URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1997

AGENDA OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON.

MAY 27, 1997 ...

URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1997



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

URBAN MUNICIPAL

Tuesday, 1997 May 27
7:30 o'clock p.m.
Council Chambers, City Hall

MAY 27 1997

GOVERNMENT DOCUMENTS

J. J. Schatz
City Clerk

A G E N D A

1. ***National Anthem.***

2. ***Opening Prayer:*** ***Father James Valk, C.R.***
Pastor of St. Joseph's Roman Catholic Church

3. ***Presentation to the City of Hamilton:***

Rory Jones - Chair of the 75th Anniversary of the Scottish Rite in Hamilton

Norman E. Byrne - Officer of the Supreme Council of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Canada and Past Grand Master of Ancient, Free and Accepted Masons of Canada in the Province of Ontario

Robert G. Wands - Sovereign Grand Secretary of Supreme Council of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Canada

John I. Carrick - President of Towers Inc. the Administrative Body which manages our properties

4. ***Presentation:***
Certificate of Recognition

Reg McGuire
Executive Vice-President
and General Manager of ONtv

5. ***Nominating Committee - To Appoint a Chairman of the Committee of the Whole for June, July and August, 1997.***

6. ***Adoption of the minutes of the meeting held 1997 May 13.***

7. ***Correspondence***

8. ***Reports of the Standing Committees:***

   (b) Parks and Recreation Committee
   (c) Planning and Development Committee
   (d) Finance and Administration Committee
   (e) City of Hamilton Licensing Committee
   (f) Nominating Committee - To appoint a Chairman of the Committee of the Whole for the next three months.

9. ***Notices of Motion for next meeting.***

10. ***Question Period.***

11. ***Adjournment.***

MINUTES

Minutes of Hamilton City Council
Tuesday, 1997 May 13
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* *

The National Anthem was played.

* *

Father Steven Deak, St. Michael's Hungarian Greek-Catholic Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meetings held:

(a) 1997 April 29 (special meeting)
(b) 1997 April 29 (regular meeting); and
(c) 1997 May 6 (special meeting) were adopted as circulated.

* *

PRESENTATIONS

Ms. Elizabeth Bourns of the City of Hamilton Charity Fund presented a cheque to the United Way.

* * * * * * * * *

Mayor R. M. Morrow formally recognized the financial donations of local corporations to the Manitoba flood relief effort.

CORRESPONDENCE

1. Letter dated 1997 May 1 from the Hamilton Harbour Commissioners respecting the Canada Marine Act, conveyance of Water lots 1 and 2, and surplus profits.

   Referred to the Finance and Administration Committee.

2. Application dated 1997 May 6 from R. Denninger Limited, 284 King Street East, Hamilton, for a change in zoning from "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified for 1289 Upper James Street, Hamilton, Ont.

   Received.

3. Application dated 1997 May 6 from Cesare, Vera, Enio and Maurice Prosperi, 113 Mohawk Road East for a change in zoning from "C" (Urban Protected Residential, etc.) District for "R-4" (Small Lot Single Family Detached) District for 5 Dodson Street, Hamilton.

   Received.

4. Letter from F.C.M. Big City Mayors' Caucus Re: FCM 20% Club's Activities.

   Referred to the Finance and Administration Committee.

5. Letter from F.C.M. Big City Mayors' Caucus Re: Message from Mayor Al Duerr, City of Calgary - Encourage to mark 1997 April 6th as the 1000 Day Challenge - "Countdown 2000"

Referred to the Finance and Administration Committee.

6. Letter from F.C.M. Big City Mayors' Caucus Re: News Release - City of Ottawa - National network of Canadian Mayors - Experience Canada - Career opportunities for youth between 18 and 29 years of age.

Referred to the Finance and Administration Committee.

7. Letter from F.C.M. Big City Mayors' Caucus Re: Telecommunications: Access to Municipal Rights-of-way.

Referred to the Transport and Environment Committee.

* *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and resolutions, be considered in Committee of the Whole with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0. **CARRIED.**

TRANSPORT AND ENVIRONMENT COMMITTEE - FIFTH REPORT

PLANNING AND DEVELOPMENT COMMITTEE - EIGHTH REPORT

FINANCE AND ADMINISTRATION COMMITTEE - TENTH REPORT

Section 10 Re: Ontario Racing Commission - Request from Flamboro Downs for additional proposed Teletheatre locations - Rookies Sports Cafe and Hanrahan's Tavern

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, Drury, Morelli, Eisenberger, Collins, Jackson, D'Amico, Ross. -10.

NAYS: Aldermen Kiss, McCulloch, Copps, Wilson, Charters, Merling, Anderson. -7.

CARRIED.

FINANCE AND ADMINISTRATION COMMITTEE - ELEVENTH REPORT

Section 2 Re: Integration of Divisions - Property Department

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Kiss, Agro, Eisenberger. -3. **CARRIED.**

RESOLUTIONS

Section 32 of the Fourth Report of the Transport and Environment Committee for 1997

Section 32 of the Fourth Report of the Transport and Environment Committee which was tabled for two weeks by City Council at its meeting held April 29:

32. (a) That a Transportation and Urban Design firm be retained, at an upset limit of $10,000, to review how the following two-way street proposals could be implemented:

(i) King Street, between Victoria and Queen

(ii) James Street, between the Escarpment and the Harbour

(iii) John Street, between the Escarpment and the Harbour; and,

(b) That the operational issues to be studied include:

(i) impact on hospitals

(ii) requirements of Police and Fire Departments

(iii) traffic flow at the micro level; and,

(c) That, assuming the foregoing studies show the proposal can be implemented, the study include an estimate of the costs of the required changes to traffic lights, traffic signs and other matters; and,

(d) That the draft study be made available to relevant City and Regional Staff for comment prior to submission to this Committee; and,

(e) That the completed report on this matter will be available by 1997 July 15.

* * * * * * * * * *

It was moved by Alderman Agro and seconded by Alderman D'Amico that Section 32 of the Fourth Report of the Transport and Environment Committee be tabled.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Copps, Jackson, D'Amico. -7.

NAYS: Aldermen McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, Ross. -10. **LOST.**

Recorded vote on Section 32.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, Copps, Jackson, D'Amico. -7.

NAYS: Aldermen McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, Ross. -10. **LOST.**

* * * * * * * * * * *

Re: Local Government Restructuring

Section 1 of the Second Report of the Committee of the Whole for 1997 adopted by City Council on 1997 February 28 and reconsidered by City Council on April 29, 1997

1. (a) That Hamilton City Council go on record as favouring the report prepared by M.P.P. Tony Skarica dated February 23, 1997 and rejects the recommendations of Parliamentary Assistant Hardeman with respect to the restructuring of municipal government in Hamilton-Wentworth, subject to the following conditions:

(i) That the Red Hill Creek Expressway be funded on the basis of pooled equalized assessment by Hamilton, Stoney Creek, Dundas, Ancaster, Flamborough and Glanbrook.

(ii) That a transit system be operated and owned by the City of Hamilton.

(iii) That the funding of health and social services, social housing and long term care be based on pool equalized assessment by Hamilton, Stoney Creek, Dundas, Ancaster, Flamborough and Glanbrook, and be administered by the City of Hamilton.

(iv) That the City of Hamilton be designated as the coordinator for emergency preparedness on behalf of Stoney Creek, Dundas, Ancaster, Flamborough and Glanbrook, based on pooled equalized assessment.

(v) That all municipalities - Hamilton, Stoney Creek, Dundas, Ancaster, Flamborough and Glanbrook be responsible for all transition costs based on pooled equalized assessment.

(vi) That this document in no way over-ride all rights conferred to municipalities by virtue of the provincial Municipal Act.

(b) That the Minister of Municipal Affairs be so advised.

Recorded vote.

YEAS: Aldermen Kiss, Drury, Morelli, Copps, Collins, Charters, Jackson, Merling, Anderson. -9.

NAYS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Wilson, Eisenberger, D'Amico, Ross. -8. **CARRIED.**

****

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Report of the Transport and Environment Committee, the Planning and Development Committee, the Finance and Administration Committee, and resolutions, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0. **CARRIED.**

* * * * * * * * * * * *

City Council then adjourned at 9:15 o'clock p.m.

* * * * * * * * * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1997 May 13
JJS/dg

CORRESPONDENCE

Correspondence:

1. Letter dated 1997 May 19 from Wentworth Construction Planning, 361 Jackson Street West, Hamilton Re: 139-147 Locke Street South

   Recommendation: Be Referred to the Planning and Development Committee.

2. Application dated 1997 May 15 from DiCenzo Construction, 205 Quigley Road, Unit 2, Hamilton, Ontario for a modification to the established "C" (Urban Protected Residential, etc.) District to permit 7 single detached dwellings on 1 lot located on private condominium roadway (Bolzano Drive).

   Recommendation: Be Received.

3. Application dated 1997 May 22 from Sunshine Construction Inc., DiCenzo Construction, 205 Quigley Road, Unit 2, Hamilton, Ontario for a change in zoning from "B" (Suburban Agricultural and Residential) District to "C" (Urban Protected Residential, etc.) District for Block "1" and from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified to "C" (Urban Protected Residential, etc.) District for Blocks "2" and "3" and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block 4 for property south of Upper Horning and east of Omni Boulevard, Hamilton, Ontario.

   Recommendation: Be Received.

WENTWORTH CONSTRUCTION PLANNING
361 JACKSON STREET WEST
HAMILTON, ONTARIO L8P 1N2, CANADA

"JERRY" G. WANNOP
ESTABLISHED 1968

BUS: 522-7585
RES: 634-1329

OFFICE OF THE CITY CLER
MAY 22 1997
REC. BY SGH DATE 5/22
REF'D. TO V. Abrahan DATE
REF'D. TO A. Zuidema DATE
REF'D. TO L. Kung DATE
ACTION: CORR FOR Council - May 27.

MAY 19, 1997

City Council
City Hall Hamilton
Ontario L8N 3T4

Good Morning

RE 139 TO 147 LOCKE STREET SOUTH.

ATTACHED IS A COPY OF CITY COUNCIL RESOLUTION OF OCTOBER 8, 1996 THAT REQUIRES THAT THE AGREEMENT REGISTERED ON TITLE OF THE PROPERTY BE AMMENDED.

PLEASE BE ADVISED THAT THE AGREEMENT DOES NOT PERMIT THE AGREEMENT TO BE AMMENDED, ONLY EXTENDED by WAY OF A REQUEST TO THE CITY BUILDING COMMISSIONER.

I RESPECTFULLY REQUEST THAT THE SECT. A OF THE 16th REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE BE RESCINDED.

WENTWORTH CONSTRUCTION PLANNING
361 JACKSON STREET WEST
HAMILTON, ONTARIO L8P 1N2, CANADA

"JERRY" G. WANNOP
ESTABLISHED 1968

BUS: 522-7585
RES: 634-1329

I RESPECTFULLY REQUEST THAT CITY COUNCIL PASS A FURTHER RESOLUTION WITH THE SAME WORDING AS SECTION 4 - WITH THE EXTENSION TO JUNE 7, 1998 & DELETE "AND THAT AT THE END OF THIS PERIOD IF A BUILDING PERMIT HAS NOT BEEN ISSUED THE PROPOSED DEVELOPMENT MUST BE SUBJECT TO A NEW SITE PLAN CONTROL APPLICATION."

I HAVE NOW THREE TENANTS THAT HAVE SIGNED TWO, THREE & FIVE YEAR LEASES & HAVE SECURED THE STORM & SANITARY SEWER & WATER PERMITS.

CITISALP INDUSTRIAL REALTIES LTD.

RESPECTFULLY, JERRY WANNOP

'97

SCHEDULE "B"

COUNCIL RESOLUTION

Section 4 of the Sixteenth Report of the Planning and Development Committee, adopted by City Council on October 8, 1996.

4. That approval be given to the request by Wentworth Construction Planning on behalf of the owner Citsalp Industries Plastics Limited, for an extension of the approval of Site Plan Control Application DA-93-05 to June 7, 1997, for 139-147 Locke Street South, with appropriate agreement registered on title to recognize the extension, and that at the end of this period if a Building Permit has not been issued, the proposed development must be subject to a new Site Plan Control Application.

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **FIFTH** Report for 1997 and respectfully recommends:

1. (a) That approval be given to the Director of the Department of Culture and Recreation to deaccession the following objects from the Hamilton Military Museum collection:

Deaccession Number	Description
1976.32.1	Colour print of Lord Roberts cut down from a larger image
1977.231.1	Tusk (unknown - perhaps boar or walrus)
1977.255.1	Monochrome print entitled "The Dawn of Majuba Day, 1900" showing Canadian troops at Paardberg, South Africa
1977.432.1	Typewritten history of the British Imperial Veterans Association mounted on masonite with membership pin glued to the surface of the paper
1978.474.3	Copy of the Canadian Bill of Rights, 1960
1979.626.1	1925 traced copy of an 1834 map of Burlington Heights made in 1925
1979.752.1-4	Reproduction newspaper accounts, map and print of Custer's last stand
1985.293.4	Photographic copy of the officers' list, 3rd Battalion, Wentworth Militia, 1986 November 22; and,

(b) That the deaccessioned items be transferred to other areas of the museum operation or disposed of where appropriate.

2. That approval be given to the Director of the Department of Culture and Recreation to spend up to $4,000 for the purchase of a multi-message recorder and directional speaker system for the Hamilton Children's Museum from the Children's Museum Reserve Account No. CH5X942 00183.

3. That the Director of the Department of Culture and Recreation be authorized to waive greens fees for the Canadian Cancer Society's "Longest Day of Golf" being played on 1997 June 19 at King's Forest and Chedoke Golf Courses.

4. (a) That approval as required by Section 17(1) and Section 26 of the Fireworks By-law No. 90-198 and Section 5 of the Parks By-law No. 95-126, and under the Standard Terms and Conditions of the Special Events Guidelines, be given to the Director of the Department of Culture and Recreation to contract Hands Fireworks Company Inc. to provide a fireworks display on 1997 July 1 on a barge in Hamilton Harbour; and,

   (b) That approval be granted to the City of Hamilton to contract a food vendor to barbecue and sell food and beverages during the July 1st Canada Day Celebrations in Bayfront and Pier 4 Parks on 1997 July 1; and,

   (c) That 25 per cent of the gross sales from the concession be deposited to the First Night Hamilton celebrations account to assist with fundraising for the event.

5. That approval be given to the Panagia Greek Orthodox Church to host their annual Greek Festival and Beer Garden on 1997 August 16 and August 17 at Mountain Arena, subject to the Standard Terms and Conditions of the Special Events Guidelines.

6. That approval as required by Parks By-law No. 95-126, Section 11, Section 29, Section 35 and Section 37 to sell alcoholic beverages, to bring animals in a park and to park vehicles in a park be given to the Hamilton Cultural and Ethnic Mosaic Association to host Kaleidoscope Festival and midway rides, in Bayfront Park from 1997, August 15 to August 17 from 12 o'clock noon to 10:30 o'clock p.m., subject to the Standard Terms and Conditions of the Special Event Guidelines.

7. That approval be granted to Big "A" Amusement Ltd. to hold a fundraising Carnival event for the Queenston Parent/Child Drop-In Centre on 1997 July 22 to July 27 from 12:00 o'clock noon to 11:00 o'clock p.m. in Parkdale Park subject to the Standard Terms and Conditions of the Special Events Guidelines.

8. That approval be granted to the North End Children's Centre to locate carnival rides in the south-east corner of Eastwood Park on the occasion of the Rainbow Festival to be held 1997 July 4, July 5 and July 6, 10:00 o'clock a.m. to 10:00 o'clock p.m., subject to the Standard Terms and Conditions of the Special Events Guidelines.

9. That City Council endorse the actions of the Director of the Department of Culture and Recreation in waiving greens fees in order to host the annual Hamilton Senior Games Tournament at Chedoke-Martin Golf Course, 1997 May 15.

10. That the Director of the Department of Culture and Recreation be authorized to waive greens fees in order to host the Men's Interclub Championship Tournament at King's Forest Golf Club 1997 October 11.

11. That the Director of the Department of Culture and Recreation be authorized to waive greens fees in order to host the Ontario Ladies Golf Association Junior Championship scheduled during the second week in 1998 July at Chedoke - Beddoe Golf Course.

12. (a) That a purchase order be issued to Lael Construction Co. Ltd. of Hamilton, Ontario as the General Contractor for the Barrier Free Design Modifications at Coronation Arena. The contract amount will be $59,973 plus applicable GST to a total of $64,171; and,

    (b) That the work be financed from Canada Ontario Infrastructure Programme, Barrier Free Access-City Bldgs CF809453005.

13. (a) That approval be granted to the Director of the Department of Culture and Recreation to renew the contract between Eric Cormier and the City of Hamilton, having previously expired 1996 December 1 for a term to commence 1997 January 1 and to terminate 1998 July 31, at a salary not to exceed $26,750 annually, based upon a thirty-five hour work week and to included two weeks paid vacation; and,

    (b) That the period from 1997 January 1 up and until 1997 May 31, be paid retroactive to this new rate; and,

    (c) That the City Solicitor be authorized to draft the necessary document.

14. (a) That a purchase order be issued to Lael Construction Ltd. in the amount of $84,900 plus GST, for the supply and installation of sunshelters at Glendale Park, Lisgar Park and Woolverton Park, being the lowest of (9) tenders received in accordance with specifications C16-14-97 issued by the Purchasing Division and the Vendor's Tender; and,

(b) That this expenditure be financed from the Park Development Additional - 1997 Account No. CF5200 629754025.

15. That a purchase order be issued to Arrowhead Paving in the amount of $78,719.90, including GST, for the supply and installation of electrical, asphalt and concrete work at Eastwood Park, being the lowest of (3) tenders received in accordance with specifications C16-12-97 issued by the Purchasing Division and the Vendor's Tender, and that this expenditure be financed from the Eastwood Park Restoration - 1996 Account No. CF5200 629654022.

16. (a) That a purchase order be issued to F.M. Page & Sons Inc. in the amount of $86,412.90, including GST, for the supply and installation of fence and baseball backstops for Mohawk Park and Turner Park, being the lowest of (3) tenders received in accordance with specifications C16-20-97 issued by the Purchasing Division and the Vendor's Tender; and,

(b) That this expenditure be financed from the Mohawk Sports Park Phase I - 1997 Account No. CF5200 629754033 and the Turner Park Phase II - 1997 Account No. CF5200 629754034.

17. (a) That a purchase order be issued to M. Smilsky Limited in the amount of $92,694.10 for the supply and installation of sod at Eastwood Park and Mohawk Sports Park being the lowest of (8) acceptable tenders received in accordance with specifications C16-10-97 issued by the Purchasing Division and the Vendor's Tender; and,

(b) That this expenditure be financed from Eastwood Park Restoration - 1996 Account No. CF5200 62965022 and from Mohawk Sports Park Development Phase I - 1997 Account No. CF5200 629754033.

18. (a) That the City of Hamilton enter into a Crossing Agreement with Holiday Inn Express for the use of their lands for crossing purposes in conjunction with the Red Hill Trail System located at No. 51 Keefer Court, Hamilton and that the payment of this agreement of $1 be charged to Account No. CF639553028 (Red Hill Valley Trail); and,

(b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.

19. (a) That the City of Hamilton grant permission for Frisina Construction Ltd. to place fill on the William Schwenger Park, subject to this firm entering into an agreement for the temporary use of the City owned lands being part of No. 957 Upper Paradise Road, Hamilton (William Schwenger Park), for the purpose of grading work associated with the development of the City park land during the hours of 7:00 o'clock a.m. to 7:00 o'clock p.m., Monday to Saturday for the period extending from the date of City Council approval until 1997 September 30; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.

20. That the Regional Municipality of Hamilton-Wentworth be advised that the City of Hamilton deems the designation of Bayfront Park as the major special event location in Hamilton not feasible based on the following reasons:

(a) Bayfront Park is not necessarily suitable for all of the major events listed; and,

(b) Each of the events has its history at venues mentioned above and event organizers and neighbourhood residents have worked to overcome areas of concern to the point where expectations of all parties are well documented and conflicts have been minimized; and,

(c) Some of the events run concurrently, so require separate locations; and,

(d) Bayfront Park should be left unprogrammed for a portion of the summer to enable unfettered access to park users to enjoy the waterfront location and the park amenities; and,

(e) The current practice of using several major event locations provides opportunities for visitors and residents to enjoy and appreciate more of the City's resources than possible under a single venue arrangement.

21. (a) That the Director of the Department of Culture and Recreation be authorized to increase the level of funding to the Hamilton Y.W.C.A. by a total of $56,000 in order to provide for increased programming for seniors at the Ottawa Street and MacNab Street Y.W.C.A.'s; and,

(b) That this unbudgeted expense be accommodated within the 1997 Budget for the Culture and Recreation Department.

22. (a) That the Chairman of the Hamilton International Children's Games Committee be authorized to express the support of the City of Hamilton for the initiation of a 2000 World Youth Olympics to the International Olympic Committee and the Board of Directors of the International Children's Games; and,

(b) That McMaster University and the City of Brantford be invited to join with the City of Hamilton in supporting the creation of these Games; and,

(c) That the Director of the Department of Culture and Recreation be authorized to inform the Canadian Olympic Association of this position; and,

(d) That the Chairman of the Hamilton International Children's Games Committee be authorized, on behalf of the City of Hamilton, to express interest in hosting this event in the year 2000 should a decision be made by the IOC to initiate these games, subject to a full cost benefit analysis; and,

(e) That McMaster University and the City of Brantford be requested to join with Hamilton in this expression of interest; and,

(f) That the Director of the Department of Culture and Recreation be authorized to report on further developments as warranted.

23. (a) That the City of Hamilton reimburse Ark-Tech Contracting for unpaid electrical work, commissioned by Kay's Food Group, performed at Ivor Wynne Stadium in 1995; and,

(b) That the outstanding amount of $18,365 be charged to the Canada/Ontario Infrastructure Project Account No. CF809453007 - Improvements to Ivor Wynne Stadium.

24. (a) That the Commissioner of Public Works and Traffic be directed to proceed with upgrades to the Mohawk Skateboard Facility in the form of ground and timber work, fencing, padding, weld repairs, painting and sign installation; and,

(b) That the cost of improvements be covered through the 1997 Current Budget; and,

(c) That staff make provisions in the 1998 Current Budget program recommendation to address an on-going maintenance schedule for this facility.

25. (a) That the following properties be declared surplus to the requirements of the City of Hamilton in accordance with the Realty Sales Procedural By-law No. 95-049:

(i) 110 Mead Avenue

(ii) 1931 Brampton Street; and,

(b) That the Property Department be authorized to proceed to sell these properties in accordance with the Realty Sales Procedural By-law.

26. That consideration be given to providing two of the four proposed murals in the downtown revitalization project through open competitions for local artists, subject to capital budget restrictions.

Respectfully Submitted,

ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE

Kevin C. Christenson
Secretary

1997 May 20

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **NINTH** Report for 1997 and respectfully recommends:

1. A. That approval be given to Official Plan Amendment No.139 establishing a Special Policy Area to permit the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books within the Residential designation, for the property known municipally as No. 412 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A", and that the Director of Planning and Development be directed to prepare the By-law of Adoption, in accordance with Section 17 (22) of the Planning Act for submission to the Regional Municipality of Hamilton-Wentworth;

   B. (a) That approval be given to Zoning Application ZAC-97-11, Whatmough Management Inc. (S. Whatmough), owner, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, to permit the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books on the ground floor of the existing dwelling, for property located at No. 412 Aberdeen Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

   (i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

   (1) Notwithstanding Section 10.(1) of Zoning By-law No. 6593, the following shall be permitted:

   (I) the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books carried on for remuneration entirely within the existing dwelling by an owner residing in the dwelling unit as their principal place of residence, subject to the following requirement:

(i) the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books shall be located on the ground floor of the existing building, with a maximum floor area of 84 m^2 (895 sq. ft.); and,

(II) one non-illuminated business identification sign which is a name plate or a ground sign, subject to the following requirements:

(i) the area of any sign shall not exceed 0.2 m^2 (2.15 sq. ft.);

(ii) a ground sign shall be located a minimum of 3.0 m (9.84 ft.) from the front lot line and east side lot line; and,

(iii) a ground sign shall have a maximum vertical dimension of 1.0 m (3.28 ft.);

(c) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1381, and that the subject lands on Zoning District Map W-14 be notated S-1381;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14, for presentation to City Council;

(e) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No.139 by the Regional Municipality of Hamilton-Wentworth.

2. A. That approval be given to Official Plan Amendment No. 140 to redesignate the rear portion of Block "2" from "Residential" to "Commercial" on Schedule "A" and to include Block "1" within Special Policy Area 31 and the rear portion of Block "2" within Special Policy Area 31b on Schedule B - Special Policy Areas and to redesignate Special Policy Area 31c to Special Policy Area 31b, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to Zoning Application 97-08, Rosart Properties, owner, requesting a change in zoning from "RT-20" (Townhouse-Maisonette) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "1"; from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "2"; from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "3"; from "C" (Urban Protected Residential, etc.) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified, for Block "4", to permit development of the subject lands for a parking area and a non-retail use, Block "1"; and a commercial plaza, Blocks "2", "3" and "4", for the property located west of Upper James Street and east of West Fifth Street, the rear portion of 1187 West Fifth Street and 1514 Upper James Street (Block "1") and 1468-1500 Upper James Street (Blocks 2, 3, and 4), shown on the attached map marked as APPENDIX "B", on the following basis:

a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until such time as:

i) the applicant/owner has received approval of a storm water management study for Blocks "1" and "2" by the Commissioner of the Regional Environment Department; and,

ii) the applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton for Blocks "1","2" "3' and "4";

Removal of the holding restriction shall be conditional upon completion of a storm water management study for Blocks "1" and "2" and a Site Plan Control Approval for Blocks "1","2", "3", and "4". City Council may remove the 'H' symbol, and thereby give effect to the "G-1" District provisions as stipulated in this By-law by enactment of an amending By-law(s) once these conditions are fulfilled.

b) That Block "1" be rezoned from "RT-20" (Townhouse-Maisonette) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District;

c) That Block "2" be rezoned from "AA" (Agricultural) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

d) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

e) That Block "4" be rezoned from "C" (Urban Protected Residential, etc.) District modified to "G-1" - 'H' (Designed Shopping Centre - Holding) District modified;

f) That the "G-1" (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to Blocks "1","2","3" and "4" be modified to include the following variances as special provisions:

i) That notwithstanding Section 13A.(1), only the following uses shall be permitted on Block "1":

1) a day nursery;
2) a business or professional person's office;
3) a private club;
4) a library/museum;
5) an art gallery; and
6) a commercial school.

ii) That notwithstanding Section 13A.(4)(a), a front yard of a depth of not less than 6.0 m shall be provided and maintained along the entire easterly boundary of Blocks "3" and "4";

iii) That notwithstanding Section 13A.(4)(b), no side yard shall be provided along the entire southerly boundary of Block "2";

iv) That notwithstanding Section 13A.(1)(x) and 13A.(1)(xii) of Zoning By-law No. 6593, only one (1) shopping centre identification sign or business identification sign that is a ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metres per 0.5 metres of street frontage of the lot, and located not less than 4.5 m from the Upper James Street streetline shall be permitted;

v) That notwithstanding clause 2.(2) J.(xb) of Zoning By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) shall be permitted;

vi) That no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;

vii) That a minimum 6.0 m wide landscape area shall be provided and maintained along the entire easterly boundary of Blocks "3" and "4", except for any area used for driveway access;

viii) That a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire westerly lot line of Block "2", except for any area used for pedestrian access;

g) That a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire northerly and westerly lot lines of Block "1";

h) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1382, and the subject lands on Zoning District Map W-9D be notated S-1382;

i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;

j) That the approved Mewburn Neighbourhood Plan be amended by:

1) redesignating Block "1" from "ATTACHED HOUSING" to "COMMERCIAL";
2) redesignating Block "2" from "ATTACHED HOUSING" and "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL";
3) redesignating Blocks "3" & "4" - from "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL";
4) adding a notation to the Plan indicating the applicable Urban Design Guidelines; and,
5) deleting the mid-block collector.

Amendments to the Neighbourhood Plan will be processed upon finalization of the implementing By-law;

k) That the proposed modifications in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 140 by the Regional Municipality of Hamilton-Wentworth.

C. The Planning and Development Department be authorized to hold a public meeting to consider changes to the land use patterns and internal road configuration in the approved Mewburn Neighbourhood Plan resulting from the removal of the mid-block collector.

3. (a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Cidalio and Maria DeOliveira, for improvements to 359 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Cidalio and Maria DeOliveira, for improvements to 359 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

4. (a) (i) That a secured loan in the amount of twenty-five thousand dollars ($25,000) to Joao and Lucilia Ferreira, for improvements to 360-362 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars ($12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) to Joao and Lucilia Ferreira, for improvements to 360 - 362 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars ($2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

5. (a) That the Building Commissioner be authorized to call tenders and subsequently proceed to have the building located at 184 Kensington Avenue North demolished and the site cleared to bring the property into compliance with City of Hamilton Property Standards By-law No. 94-185 and as authorized under The Planning Act, 1990 Subsection 20, Section 31 and specifically do the work required to comply with the Final and Binding Order; and,

(b) That the costs incurred for the demolition, levelling, and clearing of the lands together with administrative costs be added to the tax roll; and

(c) That the Building Commissioner be authorized to issue a demolition permit for 184 Kensington Avenue North in accordance with By-Law No. 74-290 pursuant to Section 33 of The Planning Act, as amended; and,

(d) That the attached by-law to authorize the demolition of all buildings and structures and the clearing of the lands be enacted by Council.

6. That the Building Commissioner be authorized to issue a demolition permit for 3 Dexter Avenue in accordance with By-Law No. 74-290 pursuant to Section 33 of the Planning Act, as amended.

7. (a) That approval be given to application CDM-97-02 (Regional File 25CDM-97003), Benemar Construction, owner, to establish a draft plan of condominium "Cranberry Village", located at the south-east corner of Vineberg Drive and Upper Wentworth Street and known municipally as 100 Vineberg Drive (Phase 1) and 1889 Upper Wentworth Street (Phase 2), as shown on the attached map marked as APPENDIX "C", subject to the following conditions:

i) That this approval apply to the plan prepared by Sidney W. Woods Engineering Inc. and certified by L.G. Woods, O.L.S., dated March 12, 1997, showing a total of 28 residential townhouse units on Phase 1 and a total of 33 residential townhouse units on Phase 2 and revised as shown in red on APPENDIX "D";

ii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on April 21, 1997, under application DA-97-08. This shall include revision of the Plan, so that the location of the visitor parking spaces conform with the Approved Site Plan;

iii) That the applicant satisfy all conditions of Site Plan approval to the satisfaction of the City of Hamilton, and enter into a Site Plan agreement with the City, prior to registration of the Phase 1 Condominium;

iv) That the Phase 1 and 2 Condominium Corporations be required to enter into and register on title, prior to the sale of any unit in the respective Phase, the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement, to the satisfaction of the City Solicitor;

v) That rezoning application ZAC-95-19 to rezone the subject lands to "R-4" (Small Lot Single-Family Dwellings) District and associated draft plan of subdivision application SAC-94-05 (25T-94010) be withdrawn by the applicant, prior to the registration of Phase 1;

vi) That all the required easements shown on the Draft Plan, as redlined, over both Phase 1 and Phase 2 Condominiums, be registered prior to the final approval and registration of the Phase 1 Condominium;

vii) That all the internal roads, within Phase 1 and Phase 2, and the access onto Upper Wentworth Street and Vineberg Drive be constructed prior to the registration of the Phase 1 Condominium.

viii) That Committee of Adjustment application A-97-91 be finalized, prior to the registration of Phase 1.

ix) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

8. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) C-32 A By-law To Authorize Demolition and Clearing of Buildings, Structures, or Refuse at 184 Kensington Avenue North.

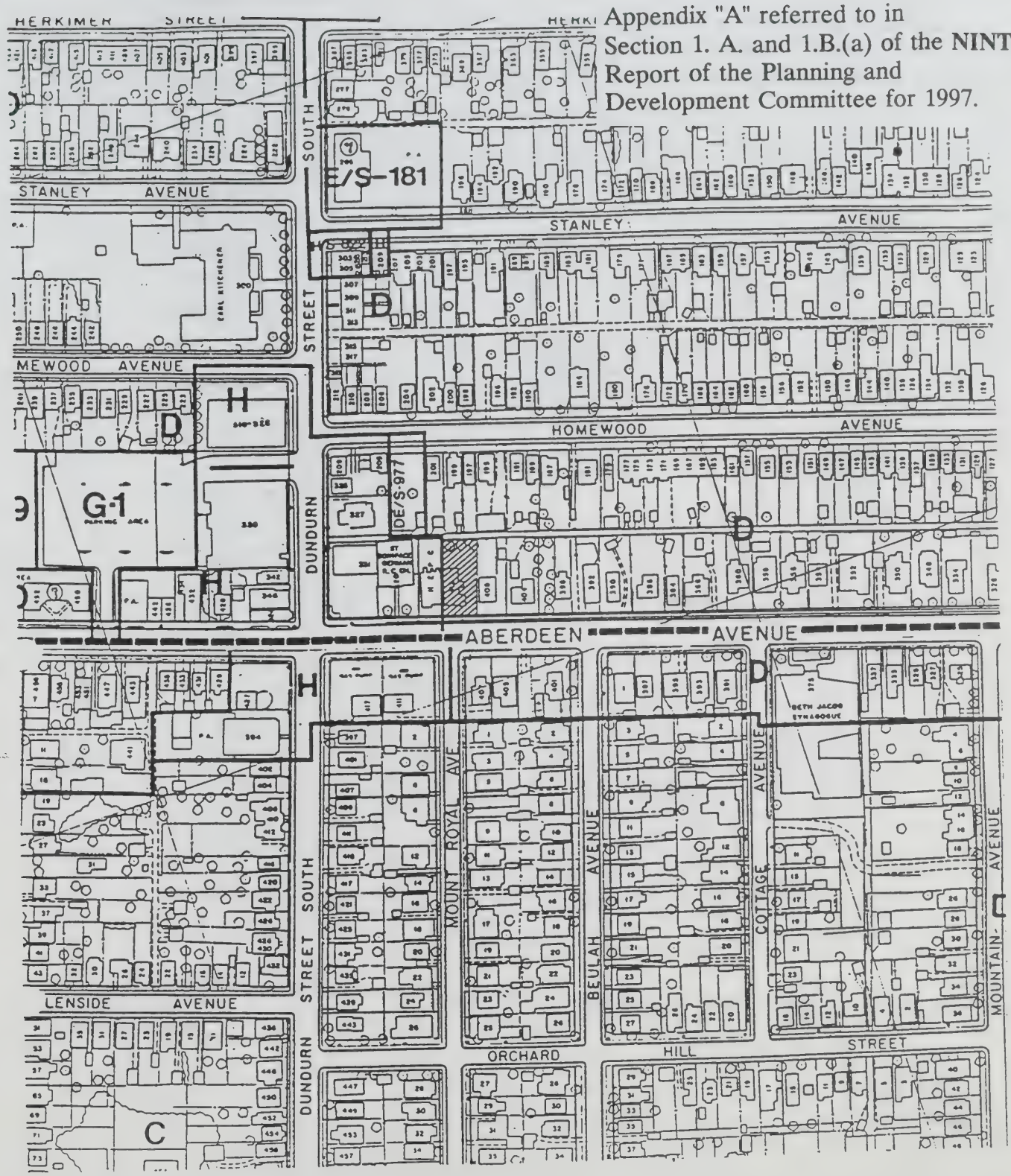
(b) C-33 A By-law to Amend Zoning By-law No. 6593 respecting Parking Standards for Single-family Dwellings.

Respectfully submitted,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello, Secretary
1997 May 21

Appendix "A" referred to in Section 1. A. and 1.B.(a) of the NINTH Report of the Planning and Development Committee for 1997.

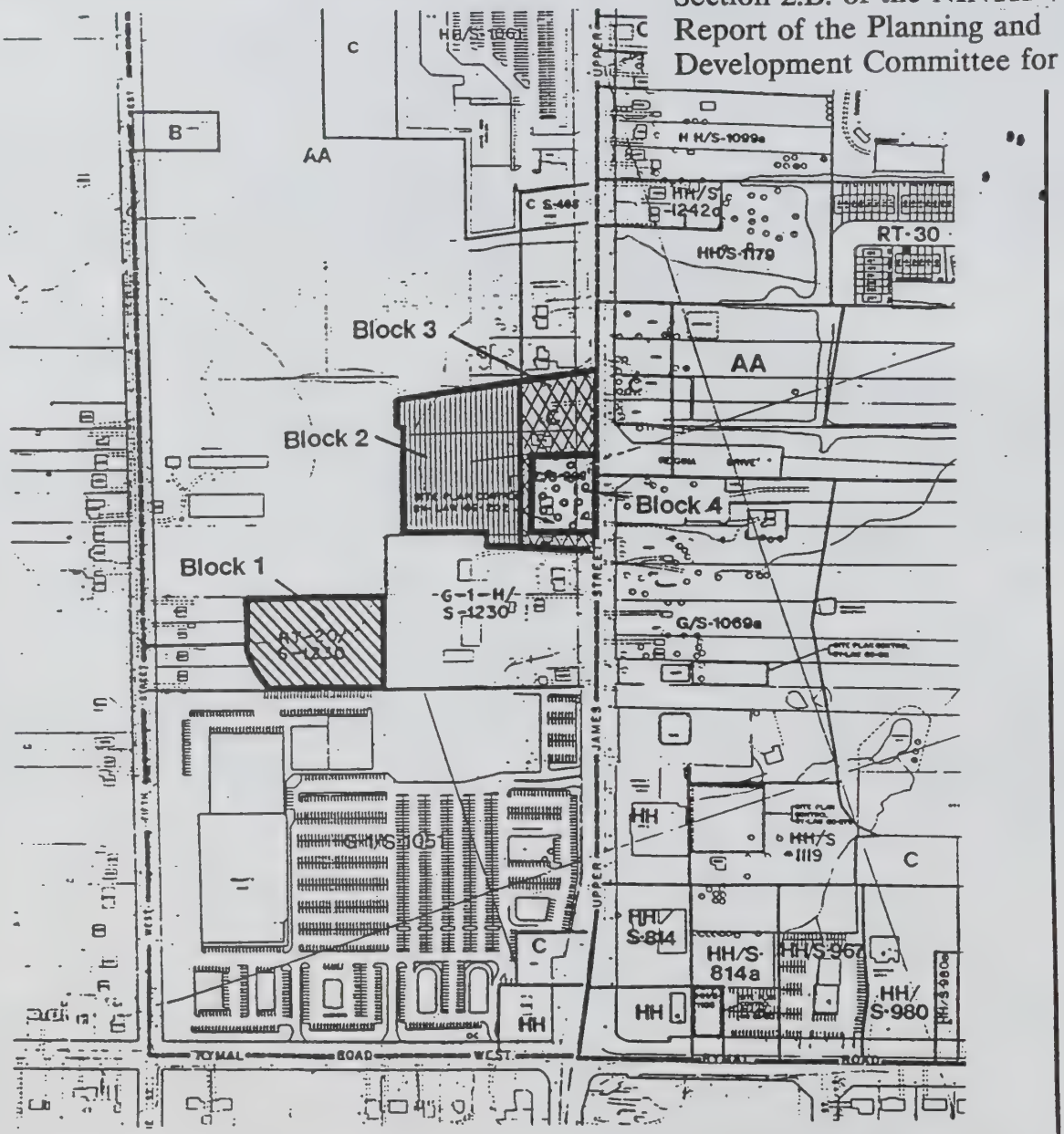


Legend

Site of the Application

ZAC-97-11

Appendix "B" referred to in Section 2.B. of the **NINTH** Report of the Planning and Development Committee for 1997.



Legend

Block 1 — Change in zoning from:
From "RT-20"(Townhouse-Maisonette)District to "G-1" - 'H'
(Designed Shopping Centre - Holding)District Modified.

Block 2 — From "AA"(Agricultural)District to "G-1" - 'H'
(Designed Shopping Centre - Holding)District Modified.

Block 3 — From "C"(Urban Protected Residential, etc.)District to "G-1" - 'H'
(Designed Shopping Centre - Holding)District Modified.

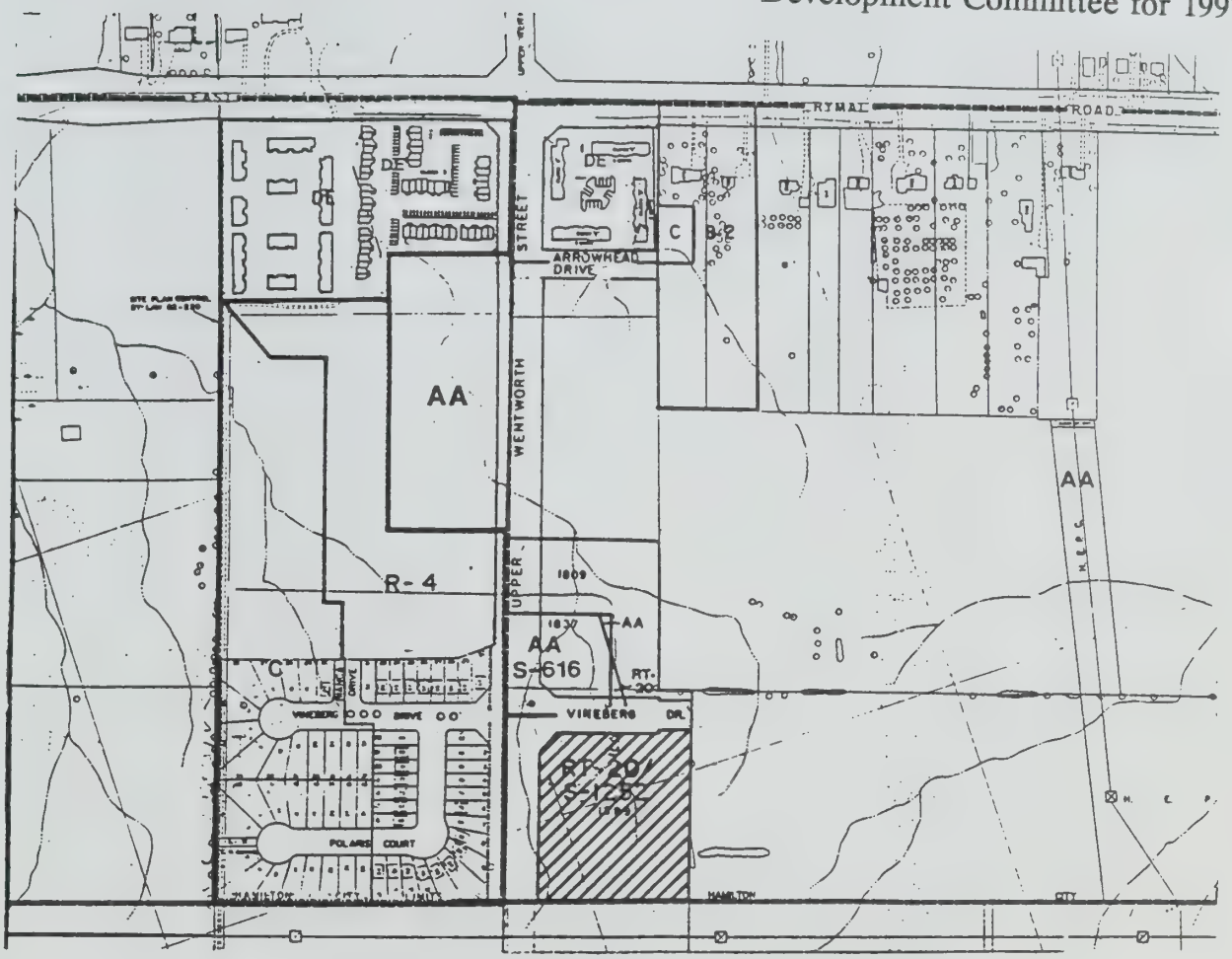
Block 4 — From "C"(Urban Protected Residential, etc.)District Modified to "G-1" - 'H'
(Designed Shopping Centre - Holding)District Modified.

NORTH

ZAC-97-08

APPENDIX

Appendix "C" referred to in Section 7.(a) of the **NINTH** Report of the Planning and Development Committee for 1997.



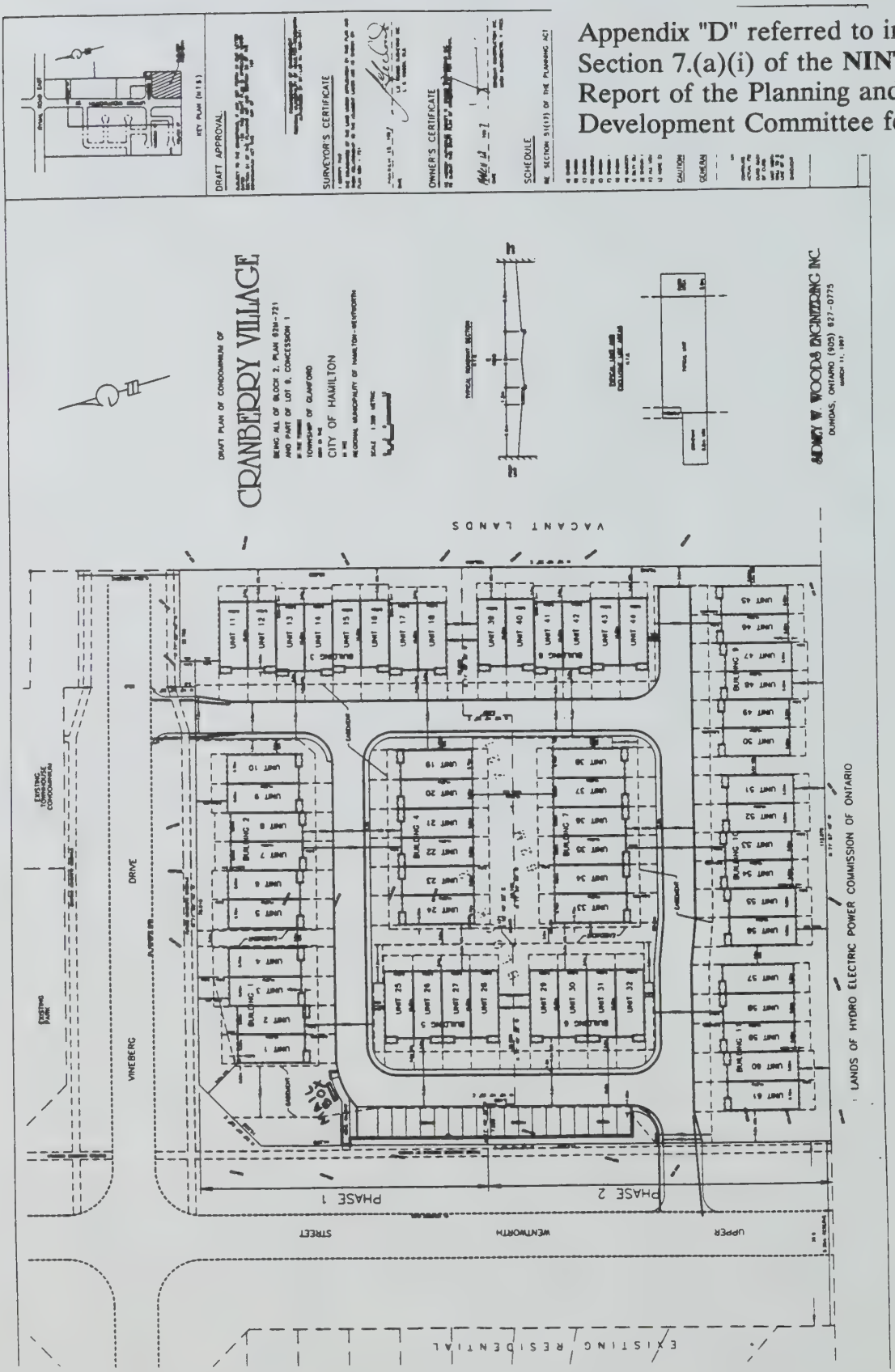
Legend

Site of the Application

CDM-97-02

APPENDIX

Appendix "D" referred to in Section 7.(a)(i) of the **NINTH** Report of the Planning and Development Committee for 1997.



REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWELFTH** Report for 1997 and respectfully recommends:

1. (a) That the City settle Ontario Court (General Division) Action # 9431/95 by the payment to the Plaintiffs, Edna and Leslie John of the sum of $6,582, inclusive of all claims for damages, interest and costs; and,

   (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

   (c) That Ontario Court (General Division) Action # 9431/95 be dismissed, on consent, without costs.

2. That the City, by the payment to the Plaintiff, Helen Semenuk, of the sum of $6,955, including GST, satisfy the award of costs on Court of Appeal File C14230.

3. (a) That the City settle Ontario Court (General Division) Action # 072/97 by the payment to the Plaintiff, Mary Morgan of $2,500, inclusive of all claims for damages, interest and costs; and,

   (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

   (c) That Ontario Court (General Division) Action # 072/97 be dismissed without costs.

4. (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 8488/96 by the payment to the Plaintiff, Walter Henry Ireson of the sum of $350, inclusive of all damages, interest and costs; and,

   (b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

   (c) That Ontario Court (General Division) Small Claims Court Action No. 8488/96 be dismissed without costs.

5. That a purchase order be issued to Grand & Toy, Hamilton, for the supply and delivery of xerographic white paper to various departments as and when required during 1997, being the lowest of eight (8) tenders received in accordance with specifications issued by the Hamilton Board of Education on behalf of the City of Hamilton and members of the Hamilton-Wentworth Co-op Purchasing Group and financed through various approved accounts.

6. That a purchase order be issued to Unisource Canada Inc., Mississauga, for the supply and delivery of janitorial paper products as and when required during 1997, being the lowest of eleven (11) bids received in accordance with specifications issued by the Purchasing Department and the Vendor's tender, and be financed through various approved accounts.

7. That the analysis of the transactions of the City's Development Charges Reserve for the year 1996 entitled "Development Charge Reserve Fund Statement of Continuity for the period 1996 January 1 to 1996 December 31", attached herewith and marked Appendix "A", be received.

8. (a) That Alderman W. McCulloch, the City's Representative on the Hamilton Veterans Committee, be authorized to attend the 55th Anniversary of the Raid on Dieppe being held in Dieppe, France on 1997 August 16-23; and,

   (b) That funding for this expenditure be charged to the Legislative Travel Account No. CH55201 10010.

9. (a) That the 1996 Financial Report for the City of Hamilton, previously distributed to members of City Council, and available from the Committee Secretary upon request, be approved; and,

   (b) That the City Treasurer publish the required 1996 Financial Information, based on the audited Report, in the Hamilton Spectator within the next 60 Days.

10. (a) That the temporary provision of Payroll Supervision Services to the Hamilton Board of Education by the City of Hamilton for a period of time until approximately 1998 March, be endorsed; and,

    (b) That the City Treasurer be authorized to execute Letters of Intent, in a form approved as to content by the City Solicitor, with appropriate Board staff, to govern the arrangement including the provision of indemnification to the City by the Board and reimbursement of the City by the Board for the services provided.

11. That the Treasurer be authorized and directed to renew the Hamilton Municipal Retirement Fund Custodial Services Agreement with the Bank of Montreal for a three year term, retroactive to 1996 November 1, in accordance with the fee proposal submitted by the Bank of Montreal.

12. (a) That approval be given to issue a purchase order in the amount of $102,559.50 inclusive of GST ($6,709.50) to E.S.I. Lighting Controls 1020 Maitland St. London Ontario for the supply, delivery and installation of motion sensors for the City of Hamilton at various recreation facilities, this being the lowest acceptable tender received in accordance with the specifications (C15-13-97) issued by the purchasing division; and,

    (b) That the cost for this project be financed from Canada/Ontario Infrastructure Works Projects Energy Management Account # CF 809453014.

13. That responsibility for the vacant street vending site on the south/east corner of York and Bay Streets (at Copps Coliseum) be transferred to H.E.C.F.I. and be operated as a vendor location by the concessionaire at Copps Coliseum subject to the following conditions:

    (a) That the vending cart is to be licensed and operated under the same basic operating rules as all other vendors under the City's Street Vendor program; and,

    (b) That the concessionaire is to obtain proof of insurance to cover the operation of the cart on that location and name the City and H.E.C.F.I. as added insured; and,

    (c) That H.E.C.F.I. is to continue to clean, remove litter in the entrance plaza area, remove trash from sidewalk waste containers in the same area and to clear snow from sidewalks around Copps coliseum; and,

    (d) That this arrangement is to be reviewed at the end of 1998 when all City Street Vendor Agreements are to expire and the program's future is to be reviewed.

14. (a) That the Mayor and City Clerk be authorized to execute a Municipal Capital Facility Agreement with the Art Gallery of Hamilton; and,

    (b) That the By-law to exempt the Art Gallery of Hamilton, a Municipal Facility at 123 King Street West, for municipal and school taxes be enacted; and,

(c) That the City Clerk give Notice of passage of the By-law to the Minister of Education and Training, the Regional Assessment Commissioner and to the Clerk of the Regional Municipality of Hamilton-Wentworth and to the Secretaries of the Hamilton Board of Education and the Hamilton-Wentworth Separate School Board; and,

(d) That upon the enactment of the By-law the City Treasurer strike from the tax roll the Art Gallery's taxes from 1997 May 28, until the tax roll is amended.

15. (a) That the City Solicitor forward a demand letter to the Hamilton Harbour Commissioners requesting an accounting of excess revenue over expenditures and the payment of profits deemed surplus in standard accounting practices, by the Hamilton Harbour Commission, to the City; and,

(b) That the City Solicitor, in the same letter to the Hamilton Harbour Commissioners, request the return of Water lots 1 and 2 to the City, as surplus to the Hamilton Harbour Commissioners' shipping and navigation activities as reflected in their Port Master Plan; and,

(c) That the City Solicitor be authorized to engage KPMG Chartered Accountants to proceed in their review of the accounting practices of the Hamilton Harbour Commission with respect to surplus profits and surplus assets.

16. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) D-38 A By-law to Declare: The Art Gallery of Hamilton's Municipal Capital Facility Tax Exempt.

(b) D-39 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

Susan K. Reeder
Secretary
1997 May 20

Development Charge Reserve Fund
Statement of Continuity
Period January 01, 1996 to December 31, 1996

	Total $	Indoor Recreation $	Outdoor Recreation $	Library Buildings & Materials $	Traffic Signals $	Parkland Acquisition $	Vehicles & Equipment $	Studies $	Engineering (area specific) $	Storm Water Retention $	Fire Stations $
Balance as at Jan 01, 1996	4,932,015	1,733,720	1,057,868	791,446	73,079	22,459	5,868	118	336,651	0	910,806
Development charges received or receivable	736,257	172,084	215,584	83,588	5,691	136,437	35,649	714	86,510	0	0
Development charges refunded	(1,822)	(426)	(533)	(207)	(14)	(338)	(88)	(2)	(214)	0	0
Interest earned	247,058	77,819	58,675	43,730	(709)	7,926	2,071	41	21,142	(2,499)	38,862
	5,913,508	1,983,197	1,331,594	918,557	78,047	166,484	43,500	871	444,089	(2,499)	949,668
Transferred to: Capital Fund	(124,000)	0	0	0	(74,000)	0	0	0	0	(50,000)	0
Amounts allocated: Reduction of current debentures	(600,000)	(348,569)	(99,116)	0	(18,946)	0	0	0	0	0	(133,369)
Balance as at December 31, 1996	5,189,508	1,634,628	1,232,478	918,557	(14,899)	166,484	43,500	871	444,089	(52,499)	816,299

Appendix "A" referred to in Section 7 of the **TWELFTH** Report of the Finance and Administration Committee for 1997

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **THIRD** Report for 1997 and respectfully recommends:

1. That the appeal by Nabo Terika for reinstatement on the Taxicab Priority List be denied.

Confidential background information provided to members of City Council under separate cover.

Respectfully submitted,

ALDERMAN D. WILSON, CHAIRPERSON
LICENSING COMMITTEE

Stella Glover
Secretary
1997 May 14

1997 May 27

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **THIRD** Report for 1997 and respectfully recommends:

1. That Alderman _____ be appointed Chairman of the Committee of the Whole for the period of June, July and August, 1997.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE

J.J. Schatz, Secretary
1997 May 27

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

TUESDAY, 1997 MAY 27
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL

BILLS

Bill No. C-32

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Authorize:

DEMOLITION AND CLEARING OF

BUILDINGS, STRUCTURES, DEBRIS OR REFUSE AT

184 KENSINGTON AVENUE NORTH

WHEREAS a **Notice** dated the **13th** of **December**, **1996** was served or caused to be served in accordance with Subsection 6 of Section 31 of The Planning Act, R.S.O. 1990, Chapter P.13, as amended;

AND WHEREAS an **Order** dated the **10th** of **January**, **1997** was served or caused to be served in accordance with Subsection 7 of Section 31 of the said Act;

AND WHEREAS no appeal has been made from the said Order in accordance with Subsection 16 of Section 31 of the said Act;

AND WHEREAS the buildings and structures situate on the land more particularly described as municipal number 184 Kensington Avenue North, Lot 147, Plan No. 378, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, have not been repaired or demolished and the site cleared as required by the said Order;

AND WHEREAS the said buildings and structures are not in conformity with the standards prescribed in The Property Standards By-Law No. 94-185, as amended, and are in a ruinous and deteriorated condition;

AND WHEREAS in accordance with Subsection 20 of Section 31 of the said Act, the Corporation has the right to demolish or repair the property in the event that the Order has not been complied with;

AND WHEREAS it is desirable to demolish the buildings and structures and to clear the site in order to secure the health, welfare and safety of the inhabitants of the area;

AND WHEREAS pursuant to Section 39(1)(c)(ii) of The Property Standards By-Law No. 94-185, as amended, the final amount expended by the City to demolish the buildings, together with interest, is a lien against the property in respect of which such amount was expended and the certificate of the City Clerk as to such amount is final and such amount is deemed to be taxes and may be added to the collector's roll to be collected in like manner as municipal realty taxes.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Building Commissioner is hereby authorized and directed to provide for the demolition and clearing of all buildings, structures, debris or refuse on the land known as **184 Kensington Avenue North**, more particularly described as Lot 147, Plan No. 378, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, and to leave the land in a graded and levelled condition.

2. It is hereby authorized and directed that the amount expended for the work done shall be added to the collector's roll and shall be collected in like manner as municipal realty taxes.

PASSED this day of A.D. 19

APPROVED AS TO FORM LF For PNJ CITY SOLICITOR

CITY CLERK MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

PARKING STANDARDS FOR SINGLE-FAMILY DWELLINGS

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 4th Report of the Planning and Development Committee at its meeting held on the 11th day of March 1997, recommended that By-law No. 6593 be amended to provide for a general text amendment to the said by-law with respect to the parking standards for single-family dwellings and associated technical definitions, as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(2)J.(xxi) of Zoning By-law No. 6593 is amended by deleting the existing definition of ""Storey, Attic" or "Storey, Half"" and replacing it with the following:

"(xxia) "**Storey, Attic**" shall mean the portion of a building situated wholly, or in part, within the roof and which is not a half-storey;

(xxib) "**Storey, Half**" shall mean the portion of a building situated wholly or in part within a sloping roof and in which:

(a) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 m (7 feet, 7 inches) over a floor area equal to at least fifty percent of the area of the floor; or,

(b) there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.1 m (6 feet, 11 inches) over all of the area of the floor."

2. Section 18A of Zoning By-law No. 6593 is amended by adding two new clauses (7a) and (7b) as follows:

"(7a) Notwithstanding Subsection (7), for a single family dwelling where more than 1 parking space is provided in an attached garage, then an open stairway may project into the length of the required parking space not more than 0.75 metre provided that the height of the stairway does not exceed 0.5 metre."

(7b) Where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade."

3. Column 1 and Column 2 of TABLE 1 of Section 18A. of Zoning By-law No. 6593 is amended by deleting paragraph 1.(a) and replacing it with the following:

"1. **Residential Uses**

(a)	Single family dwelling	(a) 2 parking spaces for each Class A dwelling unit, for the first 8 habitable rooms in the dwelling unit plus 0.5 parking space for each additional habitable room;"

4. Subsection 18A.(10) of Zoning By-law No. 6593 is deleted in its entirety and replaced with the following:

"sufficient space additional to required parking space shall be provided and maintained on the same lot on which the parking space is located, in such a manner as to enable each and every parking space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space."

5. Subsection 18A. of Zoning By-law No. 6593 is amended by adding a new clause (14h) as follows:

"For the purpose of a single family dwelling, the following shall apply:

(i) only one of the required parking spaces may be located in the front yard, and

(ii) notwithstanding subsection 10, only the accessibility to one of the required parking spaces may be obstructed by any other required parking spaces."

6. Subsection 18A.(14d), (14f) and (14g) of Zoning By-law No. 6593 are amended by replacing the word "and" with a comma after (14a) and adding the words "and (14h)" after (14b) in the first phrase of each clause and the phrases shall read as follows:

(14d) "For the purpose of clauses (14a), (14b) and (14h)," ....

(14f) "Notwithstanding clauses (14a), (14b) and (14h)," ....

(14g) "Notwithstanding (14a), (14b) and (14h),"....

7. Subsection 18A.(32) of Zoning By-law No. 6593 is deleted in its entirety and replaced with the following:

> "Sufficient space additional to required loading space shall be provided and maintained on the same lot on which the loading space is located, in such a manner as to enable each and every loading space to be unobstructed and freely and readily accessible from within the lot, without moving any vehicle on the lot or encroaching on any designated parking or loading space."

8. In all other respects, By-law No. 6593, as amended, is hereby confirmed, unchanged.

9. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 4 R.P.D.C. 1, March 11
City Initiative 96-J

Bill No. D-38

The Corporation of the City of Hamilton

By-law No. 97-

To Declare:

THE ART GALLERY OF HAMILTON'S MUNICIPAL CAPITAL FACILITY TAX EXEMPT

WHEREAS the Art Gallery of Hamilton provides facilities used for cultural, recreational and tourist purposes for The Corporation of the City of Hamilton;

AND WHEREAS Section 210.1 of the Municipal Act, authorizes a Council to enter into agreements for the provision of municipal capital facilities by any person and to exempt from taxation for municipal and school purposes the land, or a portion of it, on which municipal capital facilities are, or will be, located;

AND WHEREAS Ontario Regulation 46/94 as amended by Regulation authorizes municipal capital facility agreements and tax exemptions for the municipal facilities used for cultural, recreational and tourist purposes;

AND WHEREAS By-law No. 97-108 was enacted on May 13, 1997 to authorize an Agreement to provide a municipal capital facility between the City and the Art Gallery of Hamilton;

AND WHEREAS the City and the Art Gallery of Hamilton have entered into an Agreement to provide Municipal Capital Facilities used for cultural, recreational and tourist purposes;

AND WHEREAS Council, on May 27, 1997, in adopting Section 14 of the Twelfth Report of the Finance and Administration Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Art Gallery of Hamilton is granted a tax exemption for the Art Gallery of Hamilton premises located at 123 King Street West, Hamilton, Ontario.

2. The tax exemption given in Section 2 shall not include taxes or rate levied under Sections 218 or 222 of the Municipal Act.

3. The Clerk shall give written Notice of this By-law to

   (a) The Minister of Education;

   (b) The Assessment Commissioner;

   (c) The Clerk of The Regional Municipality of Hamilton-Wentworth; and

(d) The Secretaries of the Hamilton Public School Board and The Hamilton-Wentworth Separate School Board.

4. This By-law takes effect on its date of enactment.

PASSED this 27th day of May 1997.

CITY CLERK MAYOR

BY-LAW NO. 97 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 27th DAY OF MAY, 1997.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 27th day of May 1997

CITY CLERK MAYOR

URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1997

1997 June 10

The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

NOTICE OF MEETING

COMMITTEE OF THE WHOLE/SPECIAL CITY COUNCIL
Wednesday, 1997 June 11
5:00 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL
JUN 11 1997
GOVERNMENT DOCUMENTS

J. J. Schatz
City Clerk

AGENDA

1. Introductory Remarks - Mayor R. M. Morrow

2. Canada/Ontario Infrastructure Works Program (COIW)

   (a) Commissioner of Public Works and Traffic

   (b) City Treasurer

3. Mayor R. Morrow

   Library Board Appointment

4. Alderman D. Ross

   Notice of Motion
   Proposed Draft Resolution
   respecting the Rights of Federalist Municipalities and Regions
   within Quebec to remain a part of Canada

5. Adjournment

Note: Dinner will be provided in Room 264 at 4:30 o'clock p.m.

c. J. Pavelka
Chief Administrative Officer

Department Heads

2(a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 6

REPORT TO: J. Schatz
Secretary, Committee of the Whole

FROM: D. Lobo
Commissioner of Public Works & Traffic

SUBJECT: **Canada/Ontario Infrastructure Works Program (COIW)**

RECOMMENDATION:

a) That since the Regional Transportation Department has confirmed that it will not be possible to construct any projects on the Council approved Supplementary List in 1997 (Appendix A attached) based on projects tendered to date then the Supplementary List will become the first priority for the 1998 Roadway and Sidewalk Improvement Program.

b) That staff be authorized and directed to make application for funding under the Canada/Ontario Infrastructure Works Program with projects listed in Appendix B as attached to a maximum amount of $2,090,317.

c) That the Committee of the Whole identify a source of funding for the City's share of the Canada/Ontario Infrastructure Works Program in the amount of $696,772.

J. Lobo.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Minister of Municipal Affairs and Housing advised the City by letter dated May 14, 1997 of a gross allocation for the COIW Extension of $2,090,317, with a net City share of $696,722.

BACKGROUND:

The original COIW Program was initiated in January 1994. An extension to the program was announced in May with $459 million in the extended program, $183 million is available for municipalities to propose projects. Under the terms of the extension, this $183 million municipal allocation is directed to projects involving the rehabilitation and repair of transportation, water and sewage facilities. Transportation implies road only, but if the

reconstruction of the road necessitates the replacement of the abutting sidewalks and curbs, they will be eligible for funding also.

The criteria and the application/completion dates for the COIW Extension are very tight. The applications must be received by June 13, 1997 and projects must be completed by March 31, 1998. Staff, in discussion with the Region's Environment and Transportation Departments have concluded that the 1997 Road and Sidewalk Improvement Programme-Supplementary List would provide projects which can be delivered quickly to achieve the tight deadlines associated with the COIW Extension.

The 1997 Road and Sidewalk Improvement Programme in the amount if $7,371,000, was approved by Council on February 11, 1997 in adopting Item 16 of the 2nd Report of the Transport and Environment Committee.

It included a Supplementary List in the amount of $2,968,000 for streets to be done in the order listed if residual funds are available. Based on the projects tendered to date, the Supplementary List will not be considered for construction in 1997 but would become part of the main list for 1998. Therefore, staff are recommending that the projects on the Supplementary List be utilized as candidates for the COIW Extension application.

The Mayor has requested that consideration be given to including the reconstruction of the roadway on Centennial Parkway from just north of Queenston Road to Arrowsmith Road including the replacement of the existing concrete/asphalt traffic islands with irrigated flower plantings. In addition consideration was requested for traffic island beautification projects throughout the City. It is staff's understanding through discussions with COIW Program representatives that stand alone beautification projects are not eligible for funding under this Program.

The Region has advised regarding Centennial Parkway as follows:

The watermain scope of work which includes cleaning and lining of watermains and some other minor construction (such as valves etc.) could be co-ordinated for 1997 road construction. The existing sewer capacity (hydraulic needs) and rehabilitation needs have not been determined at this time and would require some time to complete. This project has not been discussed with the utilities at this time and therefore we do not know what (if any) works the utilities may have to do and whether these works (if any) could be co-ordinated for 1997 construction.

In summary, we are not in a position at this time to confirm whether Centennial Parkway would be reconstructed in 1997 without conflict. It may be feasible but we can not say until all the infrastructure reviews have been completed.

Based on this information, it would not be prudent to include Centennial Parkway as a candidate.

In addition Morley Street from Parkdale to Tate should be considered as a candidate. Morley Street between Parkdale and Brighton requires sewer construction by the Region because of a sewer failure in this section. Due to budget constraints, it was not possible to include the road and sidewalk reconstruction this year although their condition warranted it. It would be prudent to include Morley Street between Parkdale and Tate to co-ordinate the underground work with the City's work to ensure the minimum disruption to the public.

The projects listed as Appendix B have a total estimated cost of $3,082,000 based on preliminary estimates. The cost estimates will be refined as much as possible prior to the application deadline, but staff consider it prudent to make application for all projects on the list immediately, because of the very tight timeframes. In addition, it provides greater flexibility to substitute for projects delayed for unforeseen reasons, in order to maximize utilization of the COIW Extension funding.

The projects on the Supplementary List that have been identified as requiring further review that would not meet the tight deadlines or do not meet eligibility requirements are as follows:

Ferguson Avenue - King to King William
Concept plans have been prepared, however the public review process, the requirement of the Municipal Act to advertise roadway alterations and the fact that the focus of the staff involved has been shifted to the Restore the Core project would mean the deadline for completion by March 1998 would not be met.

West 32nd Street and West 33rd Street - Scenic to Sanatorium
These two projects are proposed as sidewalks only and would not be eligible for funding under the COIW program.

RPM/rb
attach.

c.c. A. Ross, City Treasurer
c.c. N. Adhya, Treasury
c.c. B. Matthews-Malone, Region Environmental Services
c.c. D. Y. Onishi, Region Transportation Services
c.c. S. Reeder, Secretary, Finance & Administration Committee
c.c. K. Christenson, Secretary, Transport & Environment Committee

D. Supplementary List - Streets may be done in the order listed if residual funds are available

STREET	FROM	TO	COMMENTS	ESTIMATE
Ferguson Avenue North	King	King William	-road reconstruction-sidewalk reconstruction-both sides	$300,000
Fernwood Crescent	Tenth	Ninth	-road reconstruction-sidewalk reconstruction-both sides	$140,000
West 32nd Street	Scenic	Sanatorium	-sidewalk reconstruction and repair -both sides	$100,000
West 33rd Street	Scenic	Sanatorium	-sidewalk reconstruction and repair -both sides	$100,000
Franklin Avenue	Longwood	Parkview	-road reconstruction-sidewalk and curb reconstruction	$219,000
East 22nd Street	Fennell	Queensdale	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional sewer work	$325,000
Adeline Avenue	Main	Britannia	-road reconstruction-sidewalk reconstruction-both sides	$421,000
Hester Street	Upper James	Upper Wellington	-road reconstruction-sidewalk repairs -both sides -in conjunction with Regional watermain work	$448,000
East 38th Street	Mohawk	Macassa	-road reconstruction-sidewalk reconstruction-both sides	$452,000
Wise Crescent	Grenadier	Grenadier	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional watermain work	$463,000
			TOTAL SECTION D	$2,968,000

Appendix B

STREET	FROM	TO	COMMENTS	ESTIMATE
Morley Street	Parkdale	Tate	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional sewer work	$614,000
Fernwood Crescent	Tenth	Ninth	-road reconstruction-sidewalk reconstruction-both sides	$140,000
Franklin Avenue	Longwood	Parkview	-road reconstruction-sidewalk and curb reconstruction	$219,000
East 22nd Street	Fennell	Queensdale	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional sewer work	$325,000
Adeline Avenue	Main	Britannia	-road reconstruction-sidewalk reconstruction-both sides	$421,000
Hester Street	Upper James	Upper Wellington	-road reconstruction-sidewalk repairs -both sides -in conjunction with Regional watermain work	$448,000
East 38th Street	Mohawk	Macassa	-road reconstruction-sidewalk reconstruction-both sides	$452,000
Wise Crescent	Grenadier	Grenadier	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional watermain work	$463,000
		TOTAL		$3,082,000

2(b)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1997 June 6

REPORT TO: J.J. Schatz
Secretary, The Committee of the Whole

FROM: Allan C. Ross
Treasurer

SUBJECT: **New Canada/Ontario Infrastructure Works Program**

RECOMMENDATION:

a) That a portion of the 1998 Road and Sidewalk Reconstruction Program in the amount of $2,090,317 be advanced as the new application to the Canada/Ontario Infrastructure Works Program and the City Treasurer be authorized to reduce the 1998 Roadway and Sidewalk Reconstruction Project by the corresponding amount of $2,090,317; and

b) That the City's cost of financing arrangements for this new Canada/Ontario Infrastructure Works Program, being the gross cost of $2,090,317 less the Federal/Provincial share of $1,393,545 in the amount of $696,772, be financed by the issuance of debenture for a term not to exceed ten years; and

c) That the additional $1,393,545 in capital financing be forwarded for consideration in the 1998 Capital Budget deliberation.

d) That the City Solicitor be authorized to prepare an appropriate by-law for the above project; and

e) That the Regional Municipality of Hamilton-Wentworth be requested to consent to the issuance of debenture for a term not to exceed ten years as required for the above project.

Allan C. Ross

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Due to availability of the Federal and Provincial Subsidy through the Infrastructure Program the City's net cost of the forecast 1998 Road and Sidewalk Reconstruction Program will be reduced by $1,393,545 in the 1998 Capital Budget Program. These savings could either reduce the City's debt financing or be available for other priority projects in 1998 while staying within the City's guidelines approved by Council on 1997 March 18.

BACKGROUND:

The details of the project are outlined in the report of D. Lobo, Commissioner of Public Works & Traffic, dated 1997 June 6 to the Secretary, Committee of the Whole.

NRA:jc

c.c. J. G. Pavelka, P.Eng., Chief Administrative Officer
D. Lobo, Commissioner of Public Works & Traffic
P. Noé Johnson, City Solicitor

The Board of Education for the City of Hamilt
Le Conseil de l'éducation de la ville de Hamilt

100 Main Street West
Hamilton, Ontario
Telephone (905) 527-5092
Fax (905) 521-2539

Fac-simile (905) 521-2539

Chairman of the Board

Président(e) du Conseil

3.

1997 05 28

JUN 0 2 1997

His Worship Mayor Robert Morrow
The Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Mayor Morrow:

LIBRARY BOARD APPOINTMENT

We need your help! We have followed the protocol required in trying to fill the Hamilton Board of Education representative vacancy on the Hamilton Public Library Board. Attached are copies of the correspondence from last November relative to filling that vacancy.

Please note that:

- an advertisement was placed in The Hamilton Spectator at a cost of $990+
- one application was received in response to the ad - from Mark Davies
- an interview was conducted by a Committee of trustees
- the Committee was most impressed with Mr. Davies and were delighted that he had applied
- the name of Mark Davies was presented to our Board for approval at its February meeting and subsequently forwarded to the City for formal appointment to the Library Board

Mr. Davies, however, has not been appointed to the Library Board by the City by virtue of a policy that requires a "list of candidates" from the Board from which the City will select the representative.

Both the Director, Mr. Matier, and I have clearly explained in our correspondence that we do not have a list of names to provide and that we are not willing to go through the advertising/interviewing process. I feel we are losing the services of a citizen who has been prepared to give his time and energy since February because of a policy that we cannot accommodate.

I would appreciate your investigation of this matter. Hopefully we can reocgnize Mr. Davies' interest in our community in the very near future.

Sincerely,

Margaret Cunningham

Margaret Cunningham
Chairman

Mailing Address
P.O. Box 2558
Hamilton, Ontario
L8N 3L1

Adresse postale
C.P. 2558
Hamilton (Ontario)
L8N 3L1

4.

PROPOSED DRAFT RESOLUTION

WHEREAS the population of the Province of Quebec voted against separating from Canada, both in 1980 and in 1995; and

WHEREAS the current government of Quebec has repeatedly reiterated its desire to hold yet another referendum on Quebec separation; and

WHEREAS there are many loyal Canadians in Quebec who, via resolutions of their local city councils, have declared that it is their wish to remain part of Canada, irrespective of any future referendum result; and

WHEREAS those city councils have requested the support of Canadians outside Quebec in their effort to remain Canadian.

Be it resolved ***THAT*** the City of Hamilton supports the initiative of those municipalities in Quebec who have declared their intention to remain part of Canada irrespective of any future province wide vote for separation.

THAT the City of Hamilton demands that the government of Canada and the government of Québec clearly and unequivocally state that they support the right of federalist municipalities and regions within Quebec to remain part of Canada, today and in the future, in accordance with the legal, moral, political, constitutional, and territorial obligations of our nation.

THAT copies of this resolution be forwarded to the Prime Minister of Canada, the members of Parliament from Ontario and Québec, the members of the Provincial legislature, the Premier of Ontario, the union of Ontario municipalities, all Ontario municipalities, the Federation of Montreal Urban Community, and all municipalities on the Island of Montreal and all Provincial Municipal Associations.

URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1997



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

MEETING OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON

Tuesday, 1997 June 24
7:30 o'clock p.m.
Council Chambers, City Hall

J. J. Schatz, City Clerk

URBAN MUNICIPAL
JUN 25 1997
GOVERNMENT DOCUMENTS

AGENDA

1. ***National Anthem.***

2. ***Opening Prayer:*** ***Rev. Morris Stupak***
   Life Christian Church

3. ***Presentation:***

   Certificate of Recognition: *Ms. Colleen Mooney*

4. ***Adoption of the minutes of the meeting held 1997 May 27 (regular meeting) and the special meeting held 1997 June 11.***

5. ***Correspondence***

6. ***Reports of the Standing Committees:***

   (a) *Transport and Environment Committee*
   (b) *Parks and Recreation Committee*
   (c) *Planning and Development Committee*
   (d) *Finance and Administration Committee*
   (e) *City of Hamilton Licensing Committee*

7. ***Notice of Motion from previous meeting - Alderman D. Ross***

8. ***Notices of Motion for next meeting.***

9. ***Question Period.***

10. ***Adjournment.***

MINUTES

Minutes of Hamilton City Council
Tuesday, 1997 May 27
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* * * * * * * * * * * *

The National Anthem was played.

* * * * * * * * * * * *

Father James Valk, C.R., Pastor of St. Joseph's Roman Catholic Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1997 May 13th were adopted as circulated.

PRESENTATIONS

Mr. Rory Jones, Chair, Scottish Rite presented a plaque to Mayor R. M. Morrow in recognition of the 75th Anniversary of the Scottish Rite. Also representing the Scottish Rite were Norman E. Byrne - Officer of the Supreme Council of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Canada and Past Grand Master of Ancient, Free and Accepted Masons of Canada in the Province of Ontario; Robert G. Wands - Sovereign Grand Secretary of Supreme Council of the Thirty-third Degree of the Ancient and Accepted Scottish Rite of Canada, and John I. Carrick - President of Towers Inc. the Administrative Body which manages our properties.

Mayor R. M. Morrow reciprocated by presenting a Hamilton Flag to Mr. Rory Jones, Chair of the Scottish Rite in recognition of their Anniversary.

* * * * * * * * *

Mayor R. M. Morrow presented a Certificate of Recognition to Mr. Reg McGuire, Executive Vice-President and General Manager of ONtv.

CORRESPONDENCE

1. Letter dated 1997 May 19 from Wentworth Construction Planning, 361 Jackson Street West, Hamilton Re: 139-147 Locke Street South

   Referred to the Planning and Development Committee.

2. Application dated 1997 May 15 from DiCenzo Construction, 205 Quigley Road, Unit 2, Hamilton, Ontario for a modification to the established "C" (Urban Protected Residential, etc.) District to permit 7 single detached dwellings on 1 lot located on private condominium roadway (Bolzano Drive).

   Received.

3. Letter dated 1997 May 22 from Robert W. Morrow, 20 Blossom Lane, Hamilton Re: Official Plan Amendment ZAC 97-11 - 412 Aberdeen Avenue.

   Received.

4. Letter dated 1997 May 26 from Naomi R. Morrow Re: Application ZAC 97-11 Re: 412 Aberdeen Avenue, Hamilton, Ontario.

   Received.

* *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Licensing Committee, and the Nominating Committee, be considered in Committee of the Whole with Alderman Charters in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0. **CARRIED.**

TRANSPORT AND ENVIRONMENT COMMITTEE - SIXTH REPORT

PARKS AND RECREATION COMMITTEE - FIFTH REPORT

Section 5 Re: Sale of alcoholic beverages - Panagia Greek Orthodox Church - Festival

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1. **CARRIED.**

* * * * * * * * * *

Section 6 Re: Sale of alcoholic beverages - Hamilton Cultural and Ethnic Mosaic Association - Festival

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1. **CARRIED.**

* * * * * * * * * *

Section 20 Bayfront Park - Major special event location

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Jackson. -1. **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - NINTH REPORT

Section 1 Re: O.P.A. No. 139 Re: Special Policy Area - 412 Aberdeen Avenue

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Merling, Anderson. -12.

NAYS: Aldermen Kiss, Copps, D'Amico, Ross. -4. **CARRIED.**

* * * * * * * * * * * * *

Section 2.B.(f)(ix) Re: Side Yard

It was moved by Alderman Drury and seconded by Alderman D'Amico that the NINTH Report of the Planning and Development Committee for 1997 be amended by adding the following as Section 2.B.(f)(ix):

ix) That notwithstanding Section 13A(4), no southerly side yard shall be provided for the covered walkway that extends westerly for 105 metres from the easterly boundary of Block "1". **CARRIED.**

* * * * * * * * * * * * *

Section 8 (b) Re: **Bill C-33 A By-law to Amend Zoning By-law No. 6593 respecting Parking Standards for Single-family Dwellings.**

It was moved by Alderman Drury and seconded by Alderman D'Amico that Bill Number C-33 as referred to in Section 8 (b) of the NINTH Report of the Planning and Development Committee for 1997 be amended by deleting clause (14g) in Section 6 and replacing it with the following:

6. (14g) "Except as provided for in clauses (14a), (14b) and (14h),"....

CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - TWELFTH REPORT

FINANCE & ADMINISTRATION COMMITTEE - THIRTEENTH REPORT

Section 1 Re: Offer to Purchase Agreement - Sale of 644, 648\650 Barton Street East and 128 - 132 Chestnut Avenue

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross.-15

NAYS: Alderman Copps. -1.

CARRIED.

LICENSING COMMITTEE - THIRD REPORT

NOMINATING COMMITTEE - THIRD REPORT

RESOLUTION

Task Force on Corporate Restructuring

Re: Task Force on Corporate Restructuring

It was moved by Alderman Charters and seconded by Alderman Collins that the report from the Task Force on Corporate Restructuring which was tabled by Committee of the Whole at its meeting held Tuesday, 1996 November 26th be referred back to the Task Force on Corporate Restructuring. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF JUNE, 1997

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman G. Copps be appointed Acting Mayor for the month of June, 1997. **CARRIED.**

* *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, the Licensing Committee, and the Nominating Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0. **CARRIED.**

* * * * * * * * * * * * *

City Council then adjourned at 8:25 o'clock p.m.

* * * * * * * * * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1997 May 27
JJS/dg

Meeting of Committee of the Whole/City Council
Wednesday, 1997 June 11
5:00 o'clock p.m.
Room 233, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Caplan, McCulloch, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Absent: Alderman M. Kiss - personal commitment
Alderman V. Agro - civic business
Alderman D. Drury - civic business

Mayor Morrow called the meeting to order.

* *

It was moved by Alderman Caplan and seconded by Alderman Anderson that the Report of the Committee of the Whole, be considered in Committee of the Whole with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Copps, Wilson, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -10.

NAYS: -0. **CARRIED.**

COMMITTEE OF THE WHOLE - EIGHTH REPORT

606 Aberdeen
1998 Roadway and Sidewalk Improvement Program
Priority 1 and 2 Projects
Hamilton Bulldogs Reception and Celebration

Section 2 Re: 1998 Roadway and Sidewalk Improvement Program

Recorded vote.

YEAS: Aldermen Caplan, Copps, Wilson, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -9.

NAYS: Mayor Morrow. -1. **CARRIED.**

NOTICE OF MOTION

Alderman D. Ross gave notice that he would move at the next regular meeting of City Council the following:

WHEREAS the population of the Province of Quebec voted against separating from Canada, both in 1980 and in 1995; and

WHEREAS the current government of Quebec has repeatedly reiterated its desire to hold yet another referendum on Quebec separation; and

WHEREAS there are many loyal Canadians in Quebec who, via resolutions of their local city councils, have declared that it is their wish to remain part of Canada, irrespective of any future referendum result; and

WHEREAS those city councils have requested the support of Canadians outside Quebec in their effort to remain Canadian.

Be it resolved ***THAT*** the City of Hamilton supports the initiative of those municipalities in Quebec who have declared their intention to remain part of Canada irrespective of any future province wide vote for separation.

THAT the City of Hamilton demands that the government of Canada and the government of Québec clearly and unequivocally state that they support the right of federalist municipalities and regions within Quebec to remain part of Canada, today and in the future, in accordance with the legal, moral, political, constitutional, and territorial obligations of our nation.

THAT copies of this resolution be forwarded to the Prime Minister of Canada, the members of Parliament from Ontario and Québec, the members of the Provincial legislature, the Premier of Ontario, the union of Ontario municipalities, all Ontario municipalities, the Federation of Montreal Urban Community, and all municipalities on the Island of Montreal and all Provincial Municipal Associations.

It was moved by Alderman Caplan and seconded by Alderman Anderson that the Report of the Committee of the Whole on the Report of the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Copps, Wilson, Eisenberger, Charters, Jackson, Anderson, D'Amico, Ross. -10.

NAYS: -0. **CARRIED.**

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City Council then adjourned at 7:00 o'clock p.m.

* * * * * * * * * * * *

Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1997 June 11
JJS/dg

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **EIGHTH** Report for 1997 and respectfully recommends:

1. (a) That the industrial property known as 606 Aberdeen Avenue (acquired by City as a result of no bids at its tax arrears sale) be sold on an "as is" basis to 905004 Ontario Inc. (Elko Industrial Trading Corp.) at a price of $550,000.00 be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases), payable in full on closing, which closing shall be on or before 1997 August 28; and,

   (b) That in the said sale, the phrase "as is" shall include, but not be limited to:

      (i) the existing tenants being in possession of portions of the premises on the closing date;

      (ii) the existing two rail cars located on the premises being on the premises on the closing date;

      (iii) any other objects, things, liquids or fixtures being on the premises as of the closing date, in addition to those belonging to tenants of the premises;

      (iv) no warranty or representation by the City at all as to the title to, or the ownership of any of the matters referred to in clauses (ii), (iii) and (iv);

      (v) any property of a tenant or of a former tenant on the premises may be removed from the premises before the closing date; and,

   (c) That the closing of the said sale also be conditional upon:

      (i) the City granting to the Region a registered easement in the said property for an existing buried storm sewer (illustrated on draft plan RC-H-431 Surveys as Parts 4, 5, 6, 7, 8, 9, and 10);

      (ii) the City paying a writ of execution against the subject property for the sum of $10,000. plus interest and charges in favour of the Province of Ontario. (This judgment in favour of the Crown was not terminated by the tax arrears vesting of title in the City.); and,

(d) That the said sale be carried out pursuant to an Offer to Purchase incorporating the said terms and related terms, in a form satisfactory to the City Clerk, Real Estate Division, and to the City Solicitor. The said prospective purchaser is required to execute and deliver to the City Clerk the said Offer to Purchase and provide a certified cheque for its deposit in the amount of 10% of the said sale price payable to the City of Hamilton, on or before 1997 June 17; and,

(e) That the Mayor and City Clerk by authorized to execute the said Offer to accept same on behalf of the City and to execute the said easement to the Region; and,

(f) That in compliance with the City's Real Property Sales Procedural By-law No. 95-49, it is hereby affirmed:

(i) 606 Aberdeen Avenue was declared surplus to the City's requirements by Council at its meeting held on February 25, 1997; further, the said proposed easement to the Region is hereby declared surplus to the requirements of the City;

(ii) Notice to the public of the sale of 606 Aberdeen Avenue was given by the City by listing this property with a broker; Notice of sale of the said easement is sufficiently given by inclusion of this easement sale in the Agenda of the Council meeting held to consider this recommendation;

(iii) an appraisal as to the value of 606 Aberdeen Ave is not required as this land is a site used for carrying on of industries and of industrial operations and incidental uses. An appraisal of the value of the said easement to the Region is not required because the easement is being sold to a regional municipality, namely The Regional Municipality of Hamilton Wentworth;

(iv) the City Clerk be hereby authorized to execute a Certificate of Compliance in accordance with the Real Property Sales Procedural By-law for purposes of the said sale of 606 Aberdeen Avenue and another Certificate for the said transfer of easement to the Region.

2. (a) That since the Regional Transportation Department has confirmed that it will not be possible to construct any projects on the Council approved Supplementary List in 1997 (Appendix A attached) based on projects tendered to date then the Supplementary List will become the first priority for the 1998 Roadway and Sidewalk Improvement Program.

(b) That staff be authorized and directed to make application for funding under the Canada/Ontario Infrastructure Works Program with projects listed in Appendix B as attached to a maximum amount of $2,090,317.

(c) That a portion of the 1998 Road and Sidewalk Reconstruction Program in the amount of $2,090,317 be advanced as the new application to the Canada/Ontario Infrastructure Works Program and the City Treasurer be authorized to reduce the 1998 Roadway and Sidewalk Reconstruction Project by the corresponding amount of $2,090,317; and

(d) That the City's cost of financing arrangements for this new Canada/Ontario Infrastructure Works Program, being the gross cost of $2,090,317 less the Federal/Provincial share of $1,393,545 in the amount of $696,772, be financed by the issuance of debenture for a term not to exceed ten years; and

(e) That the additional $1,393,545 in capital financing be forwarded for inclusion in the 1998 Roadway and Sidewalk Reconstruction Program.

(f) That the City Solicitor be authorized to prepare an appropriate by-law for the above project; and

(g) That the Regional Municipality of Hamilton-Wentworth be requested to consent to the issuance of debenture for a term not to exceed ten years as required for the above project.

3. That the following be designated as priority 1 and 2 projects on the supplementary infrastructure project list for 1997 and if sufficient funds are not available in 1997 that they be designated as priority 1 and 2 projects for the 1998 Roadway and Sidewalk Reconstruction Program:

STREET	FROM	TO	COMMENTS	ESTIMATE
West 32nd Street	Scenic	Sanatorium	- sidewalk reconstruction and repair - both sides	$100,000
West 33rd Street	Scenic	Sanatorium	- sidewalk reconstruction and repair - both sides	$100,000

4. That an amount of $5 000 be allocated for a Reception and Celebration Activities in recognition of the achievements of the Hamilton Bulldogs Hockey Club and further that this amount be financed from Special Civic Receptions and Delegation Hostings Account (CH54314-84010).

5. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

E-08 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW,
CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1997 June 11

Appendix "A" as referred to in Section 2 of the Eighth Report of the Committee of the Whole for 1997.

D. Supplementary List - Streets may be done in the order listed if residual funds are available

STREET	FROM	TO	COMMENTS	ESTIMATE
West 32nd Street	Scenic	Sanatorium	-sidewalk reconstruction and repair -both sides	$100,000
West 33rd Street	Scenic	Sanatorium	-sidewalk reconstruction and repair -both sides	$100,000
Ferguson Avenue North	King	King William	-road reconstruction-sidewalk reconstruction-both sides	$300,000
Fernwood Crescent	Tenth	Ninth	-road reconstruction-sidewalk reconstruction-both sides	$140,000
Franklin Avenue	Longwood	Parkview	-road reconstruction-sidewalk and curb reconstruction	$219,000
East 22nd Street	Fennell	Queensdale	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional sewer work	$325,000
Adeline Avenue	Main	Britannia	-road reconstruction-sidewalk reconstruction-both sides	$421,000
Hester Street	Upper James	Upper Wellington	-road reconstruction-sidewalk repairs -both sides -in conjunction with Regional watermain work	$448,000
East 38th Street	Mohawk	Macassa	-road reconstruction-sidewalk reconstruction-both sides	$452,000
Wise Crescent	Grenadier	Grenadier	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional watermain work	$463,000
			TOTAL SECTION D	**$2,968,000**

Appendix "B" as referred to in Section 2 of the Eighth Report of the Committee of the Whole for 1997.

STREET	FROM	TO	COMMENTS	ESTIMATE
Morley Street	Parkdale	Tate	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional sewer work	$614,000
Fernwood Crescent	Tenth	Ninth	-road reconstruction-sidewalk reconstruction-both sides	$140,000
Franklin Avenue	Longwood	Parkview	-road reconstruction-sidewalk and curb reconstruction	$219,000
East 22nd Street	Fennell	Queensdale	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional sewer work	$325,000
Adeline Avenue	Main	Britannia	-road reconstruction-sidewalk reconstruction-both sides	$421,000
Hester Street	Upper James	Upper Wellington	-road reconstruction-sidewalk repairs -both sides -in conjunction with Regional watermain work	$448,000
East 38th Street	Mohawk	Macassa	-road reconstruction-sidewalk reconstruction-both sides	$452,000
Wise Crescent	Grenadier	Grenadier	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional watermain work	$463,000
		TOTAL		**$3,082,000**

CORRESPONDENCE

Correspondence

1. Memorandum dated 1997 June 3 from R. Scott Smith, Secretary to the Board of Commissioners, Hamilton Harbour Commission RE: Financial Statements of the Hamilton Harbour Commissioners for the year ended 1996 December 31.

Recommendation: **Be Received.**

2. Application dated 1997 May 30 from Sunshine Construction Inc., DiCenzo Construction, 205 Quigley Road, Unit 2, Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential) One and Two Family Dwellings, etc.) District to "C" (Urban Protected Residential, etc.) District for Blocks "1" and "2" from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block 3 for property south of Upper Horning and east of Omni Boulevard, Hamilton, Ontario.

Recommendation: **Be Received.**

3. Application dated 1997 May 28 from Covenant Canadian Reformed Teachers College, 245 Mohawk Road West, Hamilton, Ontario for a modification to the "C" (Urban Protected Residential, etc.) District for 245 Mohawk Road West, Hamilton, Ontario.

Recommendation: **Be Received.**

4. Application dated 1997 June 2 from DiCenzo Construction Company Limited, 205 Quigley Road, Unit 2, Hamilton, Ontario for a change in zoning from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single-Family Detached) District for property north of Rymal Road East, and west of Upper Wellington Street (DiCenzo Gardens) Hamilton, Ontario.

Recommendation: **Be Received.**

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554

1.

The Hamilton Harbour Commissioners

June 3, 1997

VIA COURIER

Mr. J. Schatz
City Clerk
City of Hamilton
71 Main Street West
Hamilton, Ontario, L8N 3T4

Dear Mr. Schatz,

Enclosed find an original copy of the Financial Statements of the Hamilton Harbour Commissioners for the year ended December 31, 1996 as prepared by the Commissioners' Auditors, Coopers & Lybrand.

Kindly provide written acknowledgement of receipt of these Statements.

Yours very truly,
THE HAMILTON HARBOUR COMMISSIONERS

R. Scott Smith
Secretary to the Board of Commissioners

Encls.
n:finanrss

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **SEVENTH** Report for 1997 and respectfully recommends:

1. That the appropriate by-law to sell the subject land described as follows be prepared to the satisfaction of the City Solicitor, passed and enacted by Council:

   (a) The closed "Reserved for Street" on Registered Plan 851, described as Parts 1 to 3 inclusive on Plan 62R-10952, now known as No. 45 Owen Place; and,

   (b) Part of closed Leaway Avenue, Registered Plan 1059, described as Parts 2 and 3 on Plan 62R-11410 now known as Nos. 817 and 821 Stone Church Road East.

2. (a) That the application of DiCenzo Construction Company Limited and Sunshine Construction Inc. to stop-up, close and sell the portion of the former Upper Horning Drive, road allowance, from the east side of Omni Boulevard to Stone Church Road West, be approved, subject to the following conditions:

      (i) That the Commissioner of Transportation be directed to prepare a By-law to stop-up, close and sell the portion of the former Upper Horning Drive, from the East side of Omni Boulevard to Stone Church Road West; and,

      (ii) That the Commissioner of Transportation be directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing pursuant to Section 44 of the Regional Municipality Act R.S.O. 1990; and,

      (iii) That the City Clerk be directed to publish a notice pursuant to Section 300 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law; and,

   (b) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049:

      "Part of the Upper Horning Road allowance to be closed being Part 5, on Plan 62R-9295.

(i) That the Manager of Real Estate Division, City Clerk's Department be authorized to proceed with the disposition of the subject lands to the abutting owner at market value; and,

(ii) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

(c) That in accordance with Real Property Sales Procedural By-law No. 95-049:

(i) That satisfactory notice has been given to the public of the intended sale; and,

(ii) That no appraisal of the fair market value of the real property being sold was obtained as highway closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,

(d) (i) That the applicant reimburse the Region for service costs a maximum of $8,745.71 for sewer and water installations for the westerly portion of Part 5 on Plan 62R-9295 now abutting Omni Boulevard and $20,197.49 for sewer and water installations provided for the portion of Part 5 on Plan 62R-9295 now abutting Stone Church Road West, subject to confirmation by the purchaser; and,

(ii) That the applicant reimburse the City for road construction costs a maximum of $7,299 constructed along the westerly portion abutting Part 5 on Plan 62R-9295 now abutting Omni Boulevard and $18,265.68 for road construction costs constructed along the portion abutting of Part 5 on Plan 62R-9295 now abutting Stone Church Road West subject to confirmation by the purchaser.

3. (a) That the alteration of Limeridge Road in the vicinity of Upper James Street, Upper Wentworth Street and Upper Gage Avenue be proceeded with; and,

(b) That an appropriate by-law to give effect to the alteration be passed and enacted.

4. That the application, to stop-up, close and purchase a portion of north/south assumed alley at the rear of No. 85 Mountain Avenue, be approved, subject to the following conditions:

(a) That the Commissioner of Transportation be directed to prepare a By-law to stop-up, close and sell the portion of the north/south assumed alley at the rear of No. 85 Mountain Avenue; and,

(b) That the Commissioner of Transportation be directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing pursuant to Section 44 of the Regional Municipalities Act R.S.O. 1990; and,

(c) That the applicant prepare and register a reference plan under the Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan with the Regional Surveyor; and,

(d) That the Manager of the Real Estate Division of the City Clerk's Department be authorized to proceed with the disposition of the subject lands to the abutting owner at market value; and,

(e) That the applicant provide a 12m easement to the Region for the existing 900mm combined sewer in the subject walkway; and,

(f) That the applicant provide an easement in favour of Bell Canada for their overhead plant in the subject walkway; and,

(g) That the City Clerk be directed to publish a notice pursuant to Section 300 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law.

5. That the existing "No Stopping" regulation on the east side of Beland Avenue South, commencing at Queenston Road and extending to a point 100 feet northerly therefrom, be removed and that the City Traffic By-law No. 89-72 be amended accordingly.

6. That the existing "Commercial Vehicle Loading Zone, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the east side of Cathcart Street commencing at a point 44 feet north of Wilson Street and extending to a point 28 feet northerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.

7. That the by-law entry allowing for a "Wheelchair Loading Zone, 8:00 a.m. - 8:00 p.m., Monday - Friday" regulation on the east side of Prospect Street South commencing at a point 181 feet south of Main Street East and extending to a point 26 feet southerly therefrom be rescinded.

8. That the existing "Permit Parking" regulation on the east side of Fairfield Avenue commencing 343 feet south of Britannia Avenue and extending to a point 18 feet southerly be relocated such that the regulation commences 216 feet south of Britannia Avenue and extends to a point 24 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

9. That a "No Parking" regulation be implemented on the south side of Roanoke Place between Paradise Road North and the easterly end and on the north side commencing 92 feet east of Paradise Road North and extending to the easterly end, and that the City Traffic By-law No. 89-72 be amended accordingly.

10. That the existing "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation on the west side of Devonport Street between Tom Street and York Boulevard and on the east side of Devonport Street between Tom Street and a point 171 feet south of York Boulevard be revised, such that the regulation is in effect until 9:00 p.m., seven days a week, and that the City Traffic By-law No. 89-72 be amended accordingly.

11. That a full-time "Wheelchair Loading Zone" regulation be implemented on the east side of Colin Crescent commencing at a point 64 feet north of Towercrest Drive and extending to a point 40 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

12. (a) That a "Permit Parking" regulation be implemented on the north side of Montmorency Drive commencing 312 feet west of the extended west curb line of Montmorency Drive and extending to a point 18 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

    (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Richard Melanson, No. 260 Montmorency Drive, Unit 310.

13. That the existing "Permit Parking" regulation on the east side of Park Row North commencing at a point 79 feet south of Roxborough Avenue and extending to a point 21 feet southerly therefrom be replaced with a "Wheelchair Loading Zone, 8:00 a.m. to 6:00 p.m., Seven Days a Week" regulation and that the City Traffic By-law No. 89-72 be amended accordingly.

14. That a "No Parking" regulation be implemented on the north side of Hunter Street West commencing at Locke Street South and extending to a point 87 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

15. That a full-time "One Hour Parking Time Limit" regulation be implemented on the south side of Nelson Street between Locke Street South and Pearl Street South and that the City Traffic By-law No. 89-72 be amended accordingly.

16. That the existing "Permit Parking" regulation on the east side of Province Street North commencing at a point 62 feet north of Cannon Street East and extending to a point 20 feet northerly therefrom be removed and that the City Traffic By-law No. 89-72 be amended accordingly.

17. That the hours of the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on both sides of Ferguson Avenue South, south of Hunter Street East be revised such that the regulation is in effect 24 hours a day, seven days a week and that the City Traffic By-law No. 89-72 be amended accordingly.

18. That a full-time "One Hour Parking Time Limit" regulation be implemented on the north side of Keith Street commencing at Wentworth Street North and extending to a point 157 feet westerly therefrom and on the south side commencing at Wentworth Street North and extending to a point 162 feet westerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

19. That eastbound traffic on Montrose Avenue be required to stop for northbound and southbound traffic on Erin Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.

20. That three-way stop control be implemented at the northwest intersection of Acadia Drive and Butler Drive for a trial period of one year.

21. (a) That the following Hamilton Street Railway bus stop be installed:

Route No. 4 Bayfront

Add - Northbound Nash Road, east side, 545 north of Denten Street (M/B)

(b) That the City Traffic By-law No. 89-72 be amended accordingly.

22. (a) That the existing by-law entry for a weight restriction on the Mountain Park Avenue bridge over the Sherman Cut, be rescinded; and,

(b) That an appropriate by-law to amend the City Traffic By-law No. 89-72 be enacted and forwarded to the Ministry of Transportation.

23. That the action of the Senior Director, Roads Division, be confirmed in authorizing the erection of a banner over Main Street West from 1997 May 26 to 1997 June 2, with the following message:

"Cystic Fibrosis...the Fight of Their Lives".

24. (a) That the City Solicitor be authorized to make an application to a District Court Judge under Section 88 of The Registry Act, R.S.O. 1990, for an order to stop-up, close and sell the unopened public walkway between No. 61 and No. 62, known as Harbottle Court; and,

(b) That the Senior Director, Roads be directed to sign an affidavit setting out that no public funds have been expended on the portion of walkway to be closed; and,

(c) That the documentation regarding the application to the District Court Judge be prepared by the City of Hamilton Law Department; and,

(d) That the City prepare and register a reference plan under the Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan, with the Regional Surveyor; and,

(e) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act; and,

(f) That the Manager of Real Estate Division City Clerk's Department be authorized to proceed with the disposition of the subject lands to the abutting owners; and,

(g) That Starward Homes Ltd. be relieved of any obligation to construct the walkway; and,

Provided the Judge's Order to close the unopened road allowance is granted:

(i) That the Commissioner of Transportation be directed to prepare a by-law for the sale of the closed unopened walkway to the abutting owner; and,

(ii) That the City Clerk be directed to publish a notice pursuant to Section 300 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law; and,

25. (a) That the following City land be incorporated into the following streets:

Pritchard Road	Parts 1 and 6	Plan 62R-14013
Lorenzo Drive	Part 1	Plan 62R-13866
Rouge Hill Court	Block B	Plan M-47
Bolzano Court	Block 14	Plan 62M-801
Chesley Street	Part 1	Plan 62R-13265
Limeridge Road	Part 13	Plan 62R-11742; and,

(b) That the By-laws to carry out the incorporation of the said lands into the foregoing streets be enacted by Council; and,

(c) That the Commissioner of Transportation be authorized and directed to register the By-laws.

26. That the application of the Communita Racalmutese Maria SS Del Monte Festival Committee (P. O. Box 83005 Jamesville Hamilton L8L 8E8) to temporarily close the following City streets:

(a) Saturday June 21

Murray Street East between James Street and Hughson Street
Murray Street West between James Street and MacNab Street
James Street between Barton Street and Strachan Street
from 5:00 o'clock p.m. to 12:00 o'clock midnight; and,

Sunday June 22

(b) MacNab Street between Barton Street and Murray Street
Murray Street between MacNab Street and James Street
Main Street between James Street and Bay Street
James Street between Barton Street and Strachan Street
from 10:00 o'clock a.m. to 1:00 o'clock p.m.; and,

Murray Street between Bay Street and James Street
James Street between Barton Street and Strachan Street
from 2:00 o'clock p.m. to 6:00 o'clock p.m.; and,

MacNab Street between Barton Street and Murray Street
Murray Street between MacNab Street and James Street
Main Street between James Street and Bay Street
James Street between Barton Street and Strachan Street
from 10:00 o'clock a.m. to 1:00 o'clock p.m.

in order to hold their annual festival/parade, be approved, subject to the following conditions:

(i) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

(ii) That the applicant provide proof of $5,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

(iii) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,

(iv) That all barricading be supplied by and at the expense of the applicant; and,

(v) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,

(vi) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,

(vii) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

(viii) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation; and,

(ix) That the applicant be granted extension to the City of Hamilton Noise By-law No. 79-292 and contract a City of Hamilton Noise By-law Officer to be in attendance throughout the event, at the expense of the applicant.

27. That Section 5 of the Seventeenth Report of the Transport and Environment Committee for 1987, adopted by City Council on 1987 November 24, authorizing the City Solicitor to make application to a County Court Judge under Section 82 of the Registry Act R.S.O. 1990, on behalf of W. Fluke, for an order Closing the north\south alley between Province Street and Graham Avenue from the east/west alley to 18.28m south of Monterey Avenue, be rescinded.

28. That the applications to retain inadvertent encroachments at the locations as outlined on Appendix "A", attached hereto, be approved during the pleasure of Council, provided:

    (a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

    (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,

    (c) That the first year fees and subsequent annual fees as outlined in Appendix "A" be set for the encroachments.

29. That the application of the Hess Village Merchants Association to temporarily close Hess Street between King Street and Main Street from Wednesday, 1997 July 9 at 10:30 o'clock a.m. to Monday 1997 July 21 at 12:00 o'clock noon, to hold the annual Hess Village "Jazz Festival", be approved, subject to the following conditions:

    (a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

    (b) That the applicant provide proof of $5,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

    (c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,

    (d) That all barricading be supplied by and at the expense of the applicant; and,

    (e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,

(f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,

(g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation; and,

(i) That the applicant be granted extension to the City of Hamilton Noise By-law No. 79-292 and contract a City of Hamilton Noise By-law Officer to be in attendance throughout the event, at the expense of the applicant; and,

(j) That the LLBO be advised that the Corporation of the City of Hamilton is aware of the application for a Temporary Extension of Liquor Licence submitted by the Lazy Flamingo, No. 19 Hess Street South, in conjunction with the Hess Village Merchant Association's "Summerfest 97" Festival to take place 1997 June 12, June 13 and June 14; and that the City has no objection to the issuance of the Temporary Extension of Liquor Licence for this event.

30. That the application of A. Bradford, agent for the Regional Municipality of Hamilton-Wentworth, Economic and Development Department (1 James Street South) to temporarily close the following City streets on Saturday 1997 July 12 from 5:00 o'clock p.m. to Sunday 1997 July 13 to 10:00 o'clock p.m.:

Bay Street North between Burlington and Guise
MacNab Street North between Burlington and Guise
James Street North between Burlington and Guise
Hughson Street North between Burlington and Guise
John Street North between Burlington and Guise
Catharine Street North between Burlington and Guise
Mary Street between Burlington and Guise
Ferguson Avenue North between Burlington and Guise
Guise Street between Bay and Ferguson
Wood Street between Bay and Burlington
Brock Street between Mary and Hughson

for the annual Greater Hamilton Aquafest, be approved, provided:

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

(b) That the applicant provide proof of $2,000,000. public liability insurance naming the City of Hamilton and the Region as an added insured party, with a provision for cross liability and holding the City of Hamilton and the Region harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

(c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,

(d) That all barricading be supplied by and at the expense of the applicant; and,

(e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,

(f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,

(g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation.

31. (a) That the City of Hamilton transfer 0.30 metre reserves, shown as Part 1 and Part 2 on Reference Plan 62R-10900 to the adjacent landowners of No. 190 Annabelle Street (James and Dorothy Zaborsky) as all conditions with regard to the 0.30 metre reserves under Land Division Committee Applications H-18-96 and H-19-96 have been satisfied under the lands for the reserve are in excess of the maximum road allowance width; and,

(b) That the Manager of the Real Estate Division of the City Clerk's Department be authorized and directed to prepare and register the necessary transfer documents for these reserves; and,

(c) That the Mayor and City Clerk be authorized and directed to execute any required documents for the transfer of the reserves, subject to the approval of the City Solicitor.

32. (a) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in "Rymal Square Estates - Phase 7, Hamilton, City's share -NIL-, Owner's share $178,199.25 and the submitted schedules of works be adopted for inclusion in the Modified Subdivision Agreement with the Owner for the estimated costs of services in "The Meadows at Sandrina Gardens - (Phase 1, South), Hamilton, City's share -NIL-, Owner's share $16,000, be approved; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owners of "Rymal Square Estates - Phase 7, and The Meadows at Sandrina Gardens (Phase 1, South), Hamilton as well as and any other related documents to these developments subject to the approval of the City Solicitor; and,

(c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement and or Modified Subdivision Agreement have been registered; and,

(d) In the event that the owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement and or Modified Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.

33. (a) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049:

"the lands comprised of part of Upper Horning Road to be closed being Part 5, Plan 62R-9295, on Schedule "A" attached to the Agreement, being vacant land and comprising a total area of 0.051 hectares (0.12602 acres), more or less"; and,

(b) (i) That an Offer to Purchase (Highway Closure), duly executed by DiCenzo Construction Company Limited and Sunshine Construction Inc., on 1997 June 2 and scheduled to close within thirty (30) days after the completion of the conditions as set out in the Agreement, for the lands comprised of part of Upper Horning Road to be closed being Part 5, Plan 62R-9295, on Schedule "B" attached to the Agreement, being vacant land and comprising a total area of 0.051 hectares (0.12602 acres) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $12,600 be credited to Account No. CH4X501 00102 (Reserve for Property Purchases(Sales)); and,

(ii) That the required deposit cheque in the amount of $1,260 be held by the City Treasurer pending Council approval; and,

(iii) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor; and,

(iv) That in accordance with the Real Property Sales Procedural By-law No. 95-049:

(1) satisfactory Notice has been given pursuant to Section 300 of the Municipal Act (the highway sale provision); and,

(2) no appraisal of the fair market value of the real property intended to be sold was obtained as Highway closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,

(3) the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act; and,

(v) That the said property transactions are subject to the standard highway conditions in the Offer and to the additional conditions set out in Schedule "B" attached to the Agreement as follows:

(1) DiCenzo Construction Company Limited and Sunshine Construction Inc. acquiring title to Block 49, Plan 62M-611 and to Part 2, Plan 62R-9295, also known as 855 Upper Horning Road from Anwar Zurar; and,

(2) DiCenzo Construction Company Limited and Sunshine Construction Inc.:

(aa) agree upon the closing of the transaction to re-imburse the Regional Municipality of Hamilton-Wentworth recovery costs for sewer, water and roads:

(i) the maximum amount of $16,044.71 (subject to confirmation by the purchaser) for the westerly portion of Part 5, Plan 62R-9295, now abutting Omni Boulevard; and,

(ii) the maximum amount of $38,463.17 (subject to confirmation by the purchaser) for the southerly portion of Part 5, Plan 62R-9295, now abutting Stone Church Road West; and,

(bb) agree that this Agreement may not be assigned to a third party.

34. (a) (i) That an Offer to Purchase (Highway Closure), duly executed by Peninsula Orthodontic Services Inc. (Lynne Smith, President), on 1997 May 27, and scheduled to close on or before 1997 December 10, for the lands composed of part of Garside Avenue as closed by Parcel A of the City of Hamilton By-law 7408 and registered as 1633 By-law, Registered Plan 520, designated as Part 1 on Plan 62R-13955, comprising an area of 275.9 square metres (2,969.86 square feet), municipally known as No. 1453 Main Street East, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $27,500 be credited to Account No. CH4X999 00102 (Sale - Reserve for Property Purchases); and,

(ii) That the required deposit cheque in the amount of $2,750 be held by the City Treasurer pending Council approval; and,

(iii) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor; and,

(iv) That in accordance with the Real Property Sales Procedural By-law No. 95-049:

(1) satisfactory Notice has been given pursuant to Section 300 of the Municipal Act (the highway sale provision); and,

(2) no appraisal of the fair market value of the real property intended to be sold was obtained as Highway closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,

(3) the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act; and,

(b) That the Commissioner of Transportation be authorized and directed to prepare a By-law to incorporate Part 2 of Plan 62R-13955 into Garside Avenue to the satisfaction of the City Solicitor.

35. (a) That the Commissioner of Public Works and Traffic be authorized to reconstruct the failed retaining wall on Jackson Street West in a fashion which reinstates its visual heritage characteristics and meets current engineering practices; and,

(b) That in order to ensure that the retaining wall is reconstructed to meet the City of Hamilton's heritage and engineering standards, the full financial responsibility for the reconstruction be borne by the City, in an amount estimated to be $150,000; and,

(c) That the Finance and Administration Committee be requested to recommend an appropriate source of funding; and,

(d) That the Region's Commissioner of Transportation be requested to undertake these works on behalf of the City with the exception of the tree removals and replanting, and the removal and reinstatement of the historic stone facade; and,

(e) That the Commissioner of Public Works and Traffic be authorized to remove five trees which cannot be preserved during the reconstruction of the wall, recognizing that two of these trees are private and have the consent of the property owners and that the remaining three are City trees and further that all five will be replaced by replanted large caliper trees on the adjacent road allowance at a combined cost of $5,400 being a component cost of the overall project estimate of $150,000; and,

(f) That the City of Hamilton enter into an agreement with the Brick Layers' and Masons' Local 1 and LIUNA Local 837 satisfactory to the City Solicitor to manage performance and liability matters such that the Brick Layers' and Masons' Local 1 and LIUNA Local 837 may undertake the removal and reinstatement of the heritage stone facade as a training exercise for apprenticing masons at a cost not to exceed $20,000 being a component of the overall project estimate of $150,000; and,

(g) That in return for, and as a condition of the City agreeing to reconstruct this retaining wall, the four abutting homeowners who's residences are known municipally as Nos. 2, 6, 10 and 14 Wesanford Place, shall be required to grant the City an easement, (for $2) in a form satisfactory to the Commissioner of Public Works and Traffic and to the City Solicitor, under which,

(i) the City is permitted to install and maintain within a portion of each homeowner's abutting rear yard (not exceeding thirty feet from its Jackson Street lot line), such parts of the replacement retaining wall, its foundations and related appurtenances as may be required, including grading the said portion of the abutting homeowner's rear yard; and,

(ii) each abutting homeowner shall agree to refrain from taking any action or making any improvements within 30 feet of their Jackson Street lot line which may interfere with the structural stability of the City's replacement retaining wall, including, no heavy loads, alterations to drains and grades established by the City, etc.; and,

(iii) the City is also permitted a temporary easement upon the balance of each homeowner's lot, (in addition to the said permanent easement in the said thirty foot portion), for the purpose of working on installation of the replacement retaining wall with its equipment, workers and supplies; and,

(iv) the Mayor and City Clerk be hereby authorized to execute the said easements in favour of the City, which easements shall be registered on title to each abutting property.

36. That the Commissioner of Public Works and Traffic be authorized to undertake a pilot project in 1997 towards resolving the outstanding mountable curb replacement list currently at 89 locations, through a procedure which laminates a new layer of concrete over top of the existing driveway approach, in lieu of the existing practice of complete approach and sidewalk removal and replacement.

37. (a) That the City's share of the cost of the local improvement finished roadway and curbs on Dulgaren Street from Upper Sherman Avenue to approximately 72m easterly be increased from $35,350 to $45,350 and that this additional $10,000 being part of the provision of the City's share of Local Improvement projects be financed from the 1997 Capital Levy (Account Centre No. CH22002); and,

(b) That the Commissioner of Public Works and Traffic be authorized to prepare a By-law in a form satisfactory to the City Solicitor for enactment by Council to carry out the necessary amendments to By-law No. 93-201.

38. That the Commissioner of Public Works and Traffic be directed to implement the reconstruction of the City sidewalks on the north side of King Street from James Street to Mary Street in accordance with the attached Appendix "B".

39. (a) That a purchase order be issued to Maglin Furniture Systems, Woodstock, Ontario, in the amount of $18,356.50 plus applicable taxes and contingency for a total of $26,859.98 for the supply of garbage receptacles for the redevelopment of King Street East between James Street and Mary Street, being the lowest acceptable tender received in accordance with specifications C16-2297; and,

(b) That a purchase order be issued to Trystan, Ayr, Ontario, in the amount of $4,800 plus applicable taxes and contingency for a total of $6,670 for the supply of cast tree grate inserts for the redevelopment of King Street East between James Street and Mary Street, being the lowest acceptable tender received in accordance with specifications C16-2297; and,

(c) That a purchase order be issued to Toronto Fabricating & Mfg. Co., Mississauga, Ontario, in the amount of $2,100 plus applicable taxes and contingency for a total of $3,565 for the supply of cast bicycle rings for the redevelopment of King Street East between James Street and Mary Street, being the lowest acceptable tender received in accordance with specifications C16-2297; and,

(d) That a purchase order be issued to Maglin Furniture Systems, Woodstock, Ontario, in the amount of $39,855.60 plus applicable taxes and contingency for a total of $51,583.94 for the supply of cast benches for the redevelopment of King Street East between James Street and Mary Street, being the lowest acceptable tender received in accordance with specifications C16-2297; and,

(e) That the above purchase orders represent components of the Downtown Hamilton Improvement Plan - Phase I in accordance with specifications C16-2297 issued by the Purchasing Division and Vendor's tender, and be financed from Capital Funds Account No. CF5207 609755033; and,

(f) That the Mayor and City Clerk be authorized to execute the associated contracts in a form satisfactory to the City Solicitor.

40. That the following City initiatives be approved to maximize on-street parking and to improve overall parking conditions in the downtown core:

(a) That parking meters be installed on the following City Streets:

(i) east side of Mary Street from King Street to King William Street (3 hour duration)

(ii) north side of King William Street from John Street to Wellington Street (3 hour duration)

(iii) west side of Catharine Street from Jackson Street to Rebecca Street (1 hour duration), except during rush hours

(iv) west side of Jarvis Street from King William Street to the southerly end (3 hour duration); and,

(b) That Regional Council be requested to install parking meters on the following Regional Roads:

(i) south side of York Boulevard from Bay Street to east of MacNab Street (1 hour duration)

(ii) north side of the north branch of King Street in the bay immediately west of Catharine Street (30 minutes duration)

(iii) west side of John Street from Rebecca Street to King William Street (30 minutes duration)

(iv) north side of Main Street from Walnut Street to Ferguson Avenue (30 minutes duration) except during rush hours

(v) north side of Main Street from John Street to Catherine Street (30 minutes duration) except during rush hours; and,

(c) That Regional Council consider installing 1 hour parking meters on the north side of York Boulevard from Bay Street to James Street on an interim basis at least until the completion of the Region's Downtown Transportation Plan; and,

(d) That, in accordance with the request of the International Village BIA, the duration of the existing parking meters on the east side of Jarvis Street from King William Street to the southerly end be changed from 2 hours to 3 hours; and,

(e) That, in accordance with the request of the International Village BIA, the Regional Council be requested to change the duration of the existing parking meters on both sides of King Street from Mary Street to Wellington Street from 30 minutes to 1 hour; and,

(f) That Regional Council be requested to implement a "One Hour Parking Time Limit" (signed) in the bays on the south side of the south leg of King Street from James to John Streets and "No Parking - Loading Only" on the south side outside of the bays for a temporary period of about ten weeks commencing 1997 June 22, while H.S.R. buses are being rerouted away from Gore Park; and,

(g) (i) That a taxi stand to accommodate five taxis be designated on the north side of the south leg of King Street in front of the Royal Connaught Howard Johnson Plaza Hotel, and that Regional Council be requested to remove the existing four taxi stands from King Street in the area between James and Catharine Streets; and,

(ii) That the Commissioner of Public Works and Traffic be authorized to remove five trees and five flagpoles in front of the Royal Connaught Howard Johnson Plaza Hotel to facilitate the taxi stand change, recognizing that Hotel management is in favour of this action; and,

(h) That the City Traffic By-law No. 89-72 be amended to reduce the minimum "No Stopping" clearances at traffic signals to 20 feet and that Regional Council be requested to reduce the minimum traffic signal clearances on Regional roads accordingly; and,

(i) That the hourly rate for parking meters on City streets in the downtown core area (bounded by Bay, York/Wilson, Wellington and Jackson) be reduced from one dollar per hour to 50 cents per hour and that Regional Council be requested to reduce the rates on Regional roads accordingly; and,

(j) That the City Traffic By-law No. 89-72 be amended accordingly, including provisions for corner clearances at non-signalized intersections to be determined upon installation of the additional on-street parking meters.

41. (a) That a copy of the report to the Transport and Environment Committee dated 1997 June 10 be forwarded to the West Central Branch of the Ministry of Environment and Energy (MOEE), as per their request, for consideration with respect to Provincial Environmental Services Inc.'s Application for a Certificate of Approval No. A650121; and,

(b) That the Ministry of Environment and Energy be requested to forward a copy of its final decision respecting the proponent's application for a Provisional Certificate of Approval to the City of Hamilton; and,

(c) That the Ministry of Environment and Energy be advised that the City of Hamilton position identifying a list of concerns to Provincial Environmental Services Inc. receiving a Certificate of Approval for a Waste Disposal Site (Processing) for the site located at No. 97 Frid Street, Hamilton, approved by City Council on 1996 December 10 be reiterated and the Ministry of Environment and Energy be urged to not issue a Certificate of Approval until the identified concerns have been addressed.

42. (a) Regarding the management of stormwater runoff to the Montgomery Creek resulting from future residential development within the proposed Albion Mills Estates Subdivision, Red Hill Vista Subdivision (Valery Construction), and adjacent land owned by Ontario Realty Corporation:

(i) It is recommended that the City, in its capacity of stormwater regulatory authority, endorse the following approach recommended in the Environmental Study Report prepared by Philips Planning & Engineering as the preferred method for managing Montgomery Creek stormwater:

(a) Bio-Engineered Treatment of the low-flow channel of the creek on the Glendale Golf Course property; and,

(b) Construction of a water quality facility, a "constructed wetland"; and,

(c) Construction of an erosion control facility, a "wet pond"; and,

(d) Relocation of existing golf course features, greens and tees; and,

(ii) That staff be authorized to file the said Environmental Study Report for the 30-day review period in compliance with the Municipal Engineers Association "Class Environmental Assessment" requirements; and,

(iii) That staff from Regional Environment, Public Works, Treasury and Law Departments be authorized to investigate and prepare a report on the financial arrangements required to implement the stormwater management plan; and,

(b) Regarding sixteen acres of land owned by the City located within the said Montgomery Creek watershed area, between the north limit of Mud Street and the brow of the escarpment, along Hamilton's easterly boundary with Stoney Creek, shown on the map attached hereto as Appendix "C":

(i) That the Planning and Development Committee be requested to authorize the Planning and Development Department to prepare a report to the Committee for a re-zoning of this City land, as a City initiative, from "A" (Conservation, Open Space, Park and Recreation) District to "B-2" (Suburban Residential, etc.), and "R-4" (Small Lot Single Family Detached) fronting on Mud Street; and,

(ii) That the Regional Environmental Department prepare and apply for draft plan of subdivision approval for the City land, including the completion of the Environmental Impact Statement; and,

(iii) That the Finance and Administration Committee be requested to authorize:

(aa) The City Treasurer to recommend a source of funding for expenditures necessary to obtain draft plan approval, to an amount not to exceed $23,800; and,

(bb) This funding be reimbursed from the proceeds of the sale of the "Albion Mills Estates" land; and,

(cc) That the said City owned land within the draft subdivision, known as "Albion Mills Estates", following draft plan approval, be declared surplus to City requirements in accordance with Realty Sales Procedural By-law No. 95-049; and,

(dd) That the City Clerk, Real Estate Division, be authorized and directed to offer for sale the City's land, "Albion Mills Estates", upon receiving draft plan approval; and,

(iv) That the City Solicitor be authorized to take steps to have this City owned land registered under the Land Titles Act.

43. (a) That the proposed roadway improvements on Centennial Parkway and Arrowsmith Road and at the west end of Cascade Street, as a result of construction of a proposed commercial development on the east side of Centennial Parkway be advertised in accordance with the requirements of the Municipal Act; and,

(b) That Real Estate Division, City Clerk's Department, be authorised to negotiate the acquisition of a parcel of land at the north-west corner of Centennial Parkway and Arrowsmith Road; and,

(c) That The Home Depot be advised of these actions.

44. (a) That the area of the lands to be conveyed to Loblaws Inc., pursuant to an Offer to Purchase dated 1997 April 30, accepted by City Council on 1997 May 13 in accepting Section 25 of the Fifth Report of the Transport and Environment Committee for 1997, be reduced by a perpendicular width of two and half (2.5) metres from the most westerly boundary of Part 1 on Plan 62R-14097 and that the purchase price be reduced by $5,000; and,

(b) That Council ratify the decision of the Transport and Environment Committee to grant to the purchaser, Loblaws Inc., an Authority to Enter, in a form acceptable to the City Solicitor, permitting access and construction on the lands described as Part 1, 2, 3 and 4, 62R-14097, to be executed by Loblaws Inc.

45. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) A-35 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

(b) A-36 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

(c) A-37 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

(d) A-38 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

(e) A-39 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

(f) A-40 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

(g) A-41 A By-law to Alter Limeridge Road at its intersection with the Red Hill Creek Expressway on the east and west sides of Upper James Street, Upper Wentworth Street and Upper Gage Avenue

(h) A-42 A By-law to Incorporate City Land Designated as Parts 1 and 6 on Plan 62R-14013 into Pritchard Road

(i) A-43 A By-law to Incorporate City Land Designated as Parts 13 on Plan 62R-11742 into Limeridge Road

(j) A-44 A By-law to Incorporate City Land Designated as Part 1 on Plan 62R-13866 into Lorenzo Drive

(k) A-45 A By-law to Incorporate City Land Designated as Part 1 on Plan 62R-13265 into Chesley Street

(l) A-46 A By-law to Incorporate City Land Designated as Block B on Plan M-47 into Rouge Hill Court

(m) A-47 A By-law to Incorporate City Land Designated as Block 14 on Plan 62M-801 into Bolzano Court

(n) A-48 A By-law to Authorize the Sale of City Lands Described as Parts 1 to 3 inclusive on Plan 62R-10952 being land reserved for street as closed by Judge's Order VM142967 on Registered Plan 851 now known as 45 Owen Place and Parts 2 and 3 on Plan 62R-11410 being Part of Leaway Avenue as closed by Judge's Order VM160037 now known as 817 and 821 Stone Church Road East

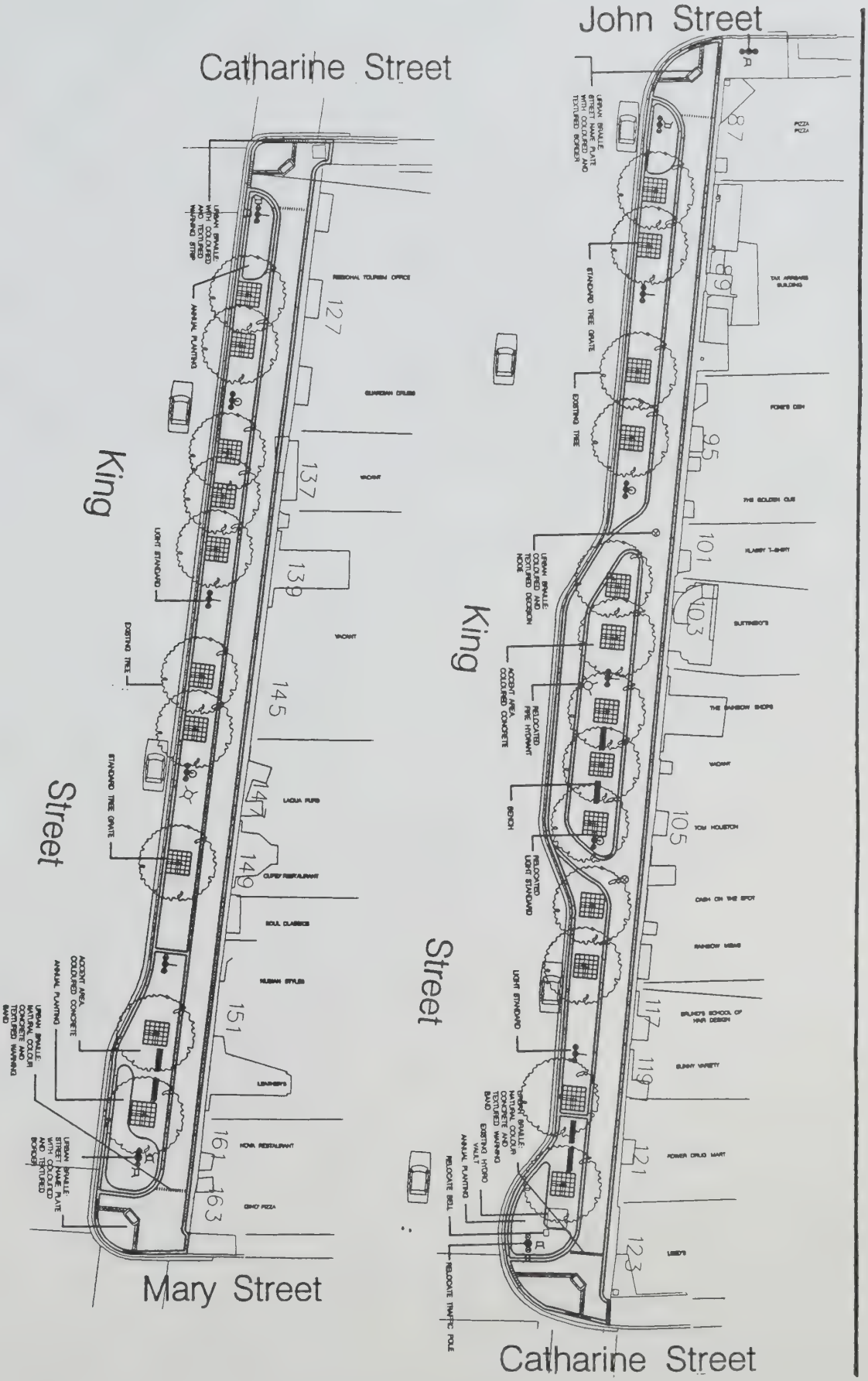
Respectfully Submitted,

Tina Agnello, Acting Secretary
1997 June 16

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

Location	Municipal Address	Owner	Type of Encroachment	First Year/Annual Fee	File Number
Cannon Street E.	1201-1215 Cannon St. E.	Home Saving & Loan Corp.	Portion of the building measuring 0.49m x 15.24m	$184/20	T103 50 1307
Stinson Cres.	257 Stinson Crescent	N.Kowalski & N. Morrison	Steps measuring 1.5m x 0.25m	$184/20	T103 50 1299
Berrisfield Dr.	35 Berrisfield Drive	R. & K. Priest	Landscaping measuring 2.59m x 7.62m Interlocking Brick measuring 0.34m x 2,31m	$158/20	T103 50 1195
Simcoe St. E.	125 Simcoe Street East	J. & V. Dimitropoulous	Front porch measuring	$158\20	T103 50 1284
Arthur St. N.	29 Arthur Street North	Pratas/Rui DaCosta	Steps measuring 1.9m x 0.36m	$158\20	T103 50 1161
Florence Ave.	27 Florence Avenue	A. Smith	Porch measuring 0.387m x 2.89m	$158\20	T103 50 1262
Grenfell St.	224 Grenfell Street	F.& L. Theobald	Steps measuring 1.0m x 1.0m	$158\20	T103 50 1265
Burton St.	148 Burton Street	H. & E. Tessier	Steps measuring 0.38m x 1.31m	$158\20	T103 50 1101
Weir St. N.	48 Weir Street North	Amosow	Steps measuring 0.24m x 1.10m	$158\20	T103 50 1266
Market St.	191 Market Street	S. Kohut	Steps measuring 0.91m x 1.36m	$158\20	T103 50 1270
Hunt St.	28 Hunt Street	Estate of H. Poulter	Portion of Building measuring 0.6m x 10.0m Porch measuring 0.85m x 5.0m Steps measuring 0.85m x 1.0m	$158\20	T103 50 1264
Montrose Ave.	233 Montrose Avenue	R. Avery & E. Dean	Porch measuring 1.28m x 2.28m Steps measuring 1.0m x 1.24m	$158\20	T103 50 1263

Appendix "B" as referred to in Section 38 of the Seventh Report of the Transport and Environment Committee for 1997

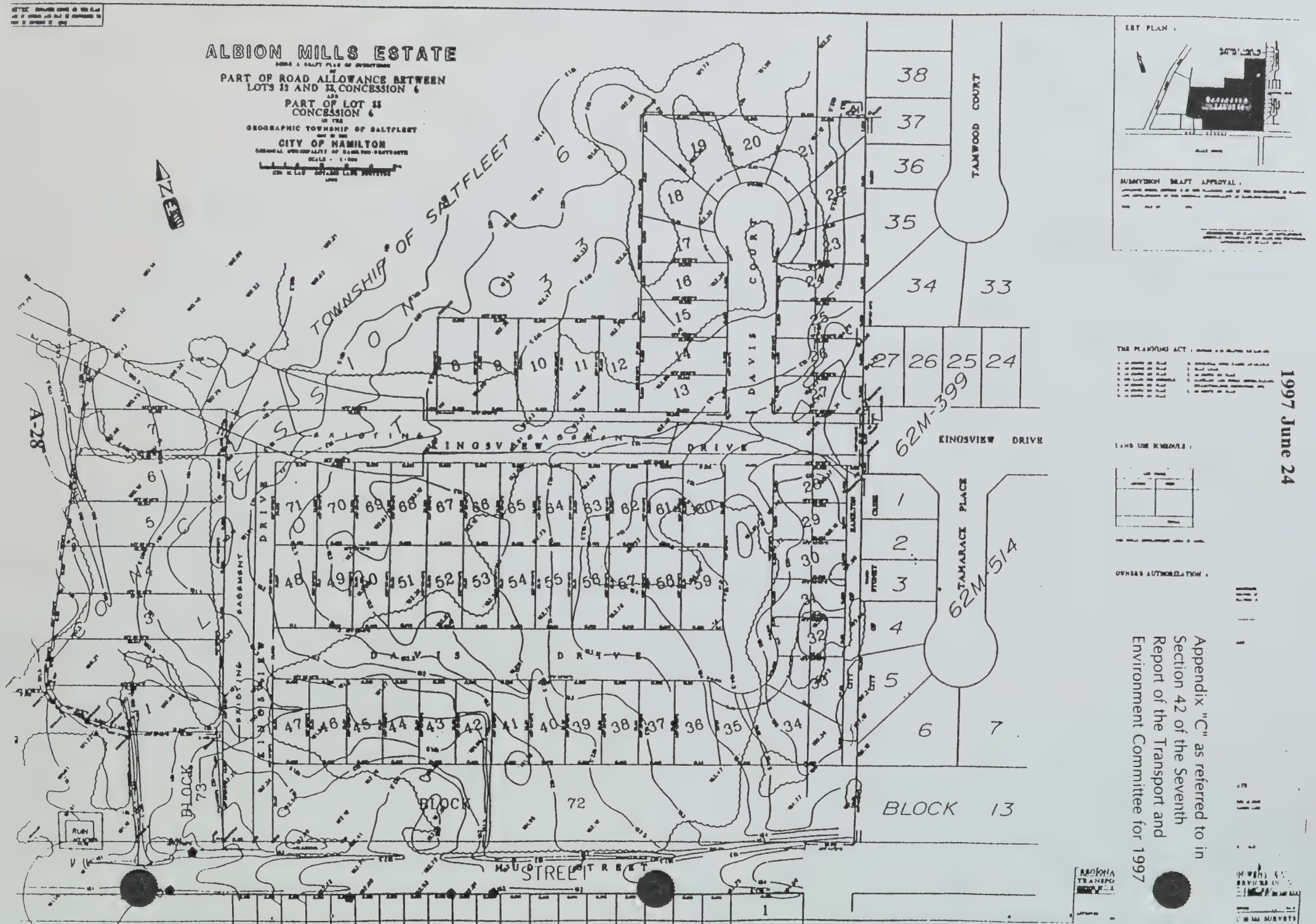


City of HAMILTON

Project "Restore The Core"
Downtown Hamilton Improvement Plan (Phase 1)

Title
PROPOSED LAYOUT - NORTH SIDE OF KING ST.
JOHN TO MARY

Date June 10, 1997
Scale 1:400
Dwg. No. 2/2


ALBION MILLS ESTATE
PART OF ROAD ALLOWANCE BETWEEN LOTS 32 AND 33 CONCESSION 6
AND
PART OF LOT 32 CONCESSION 6
IN THE
GEOGRAPHIC TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
SCALE - 1:1000
TOWNSHIP OF SALTFLEET
CONCESSION 6
A-28
62M-399
62M-514
KINGSVIEW DRIVE
DAVIS DRIVE
TAMWOOD COURT
TAMARACK PLACE
EASEMENT
EXISTING
BLOCK 72
BLOCK 13
HOUSTON STREET
1997 June 24
Appendix "C" as referred to in Section 42 of the Seventh Report of the Transport and Environment Committee for 1997

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **SIXTH** Report for 1997 and respectfully recommends:

1. That approval be given to the Director of the Department of Culture and Recreation to spend up to $1,300 from Reserve Account No. CH5X999 00401 (Dundurn Castle) to provide conservation treatment to the Beasley log book.

2. That approval be given to the action taken by the Director of the Culture and Recreation Department to approve the selling of food and beverages by Tom Anderson at the Hamilton Museum of Steam and Technology on Golden Horseshoe Live Steamer Day (1997 May 25) and that further approval be given on 1997 June 15, July 1, August 17, September 7 and 21, and October 19 subject to the following terms and conditions:

   (a) That the applicant assume responsibility for clean-up and any damages to the grounds; and,

   (b) That the applicant agree to donate $.25 per non-beverage sale to be shared by the Hamilton Museum of Steam and Technology and the Golden Horseshoe Live Steamers; and,

   (c) That proof of $3 million Comprehensive General Liability Insurance for Property Damage and Bodily Injury, naming the Corporation of the City of Hamilton as co-insured be provided to the City Hamilton.

3. That permission be granted to the Director of the Department of Culture and Recreation to permit the Boris Brott Summer Concert Series to erect a canopy and hold outdoor chamber music concerts on the North lawn of Dundurn on 1997 July 20 and August 10.

4. That the Director of Culture and Recreation be authorized to waive green fees for the McMaster University 1997 Ontario Universities Athletic Association Golf Tournament being played on 1997 October 5 - 7 at King's Forest Golf Course.

5. That approval be given to the action taken by the Director of Culture and Recreation to waive green fees for the International Children's Games Golf Tournament played on 1997 May 28 at Chedoke Beddoe Golf Course.

6. (a) That approval be granted to enter into a contract in a form acceptable to the City Solicitor between the City of Hamilton and Ruth Hrycko, for the provision of concession services at Globe Park, for the 1997 baseball season at a Lump sum payment of $250 payable in advance; and,

   (b) That the City Solicitor be authorized and directed to prepare the necessary documents.

7. (a) That the Director of Culture and Recreation be authorized to re-install the restored Chedoke totem artifact at its original location at Chedoke Civic Golf Course; and,

   (b) That the native heritage of Six Nations be acknowledged with the planting of a pine tree in proximity to the totem artifact.

8. (a) That the City of Hamilton continue with the implementation of the Hamilton Beach Neighbourhood Plan by requesting the Hamilton Region Conservation Authority (HRCA) to transfer their properties in the beach area, plus the MTO properties to be acquired by the HRCA in accordance with the strategy outlined in Appendix "A", attached hereto, titled, "Implementation of Hamilton Beach Neighbourhood Plan"; and,

   (b) That the strategy referred to as the "Selected Approach" and recommended by the Parks and Recreation Committee in its Twenty-First Report for 1995 and adopted by City Council on 1995 December 12 be rescinded; and,

   (c) That the Commissioner of Public Works and Traffic be authorized to prepare a Project Brief for submission to the Provincial Government requesting approval of the "Implementation of Hamilton Beach Neighbourhood Plan", in consultation with the General Manager of the HRCA; and,

   (d) That upon receiving Provincial Government approval of the property transaction strategy, the Department of Public Works and Traffic, in consultation with the City Law Department, be authorized to work with the Province on the Conservation Easement for lands being retained by the City for park and open space purposes; and,

(e) That the Finance and Administration Committee be requested to determine the method of financing required to implement the recommended strategy.

9. (a) That the operation of the Chedoke Winter Sports Park be deemed a core service of the Department of Culture and Recreation based on a primary mandate to provide introduction to and instruction in skiing to Hamilton children and youth; and,

(b) That the Director of Culture and Recreation be authorized to operate a winter downhill ski program as per the business plan attached hereto as Appendix "B" for the 97/98 season and beyond; and,

(c) That the Director of Culture and Recreation be authorized to prepare a capital budget submission called for the modernization and upgrading of lift tows and snowmaking technology for consideration during the 1998 Capital Budget process; and,

(d) That the Director of Culture and Recreation be authorized to prepare a report outlining strategic options for the management and operation of the civic golf courses and the ski hill for consideration of the Parks and Recreation Committee at its 1998 January meeting; and,

(e) That an Advisory Council of Chedoke Hill Ski User Groups be established to work with staff to explore the possibilities of private sector and other partnerships to assist in the capital and operation costs of the ski hill.

10. That approval be granted to the Hamilton Hornet Rugby Football Club to sell alcoholic beverages on the following dates, by Special Occasion Permits only, and in accordance with the terms and conditions of the Licence Agreement:

June 28,29
July 1,3,5,6,8

11. (a) That approval, in principle, be given to the addition of a capital project to reconstruct the outdoor basketball pad at Carter Park to the 1997 - 2006 Capital Plan as a 1997 project with zero net cost based on gross project cost of $35,000 and outside funding in an offsetting amount to be provided by Nike Canada Ltd. and the Altimira Foundation; and,

(b) That the Commissioner of Public Works and Traffic be authorized to complete design drawings, costing and site feasibility; and,

(c) That the Director of Culture and Recreation and Commissioner of Public Works and Traffic be authorized to negotiate with officials from Nike Canada Limited and the Altamira Foundation for the provision of 100% funding for the reconstruction of the Carter Park Outdoor Basketball Pad; and,

(d) That staff report back on the results of this negotiation at the 1997 July meeting of the Parks and Recreation Committee.

12. (a) That the following first and second mural images of the Downtown Hamilton Murals Programme be approved for implementation:

(i) "Cootes Paradise" by E. Robert Ross, at 1 James Street South

(ii) "Hamilton Farmers' Market" by Henry Smith, at the Hamilton Parking Authority Building, 30 York Boulevard

(b) That staff proceed to call for tender bids from companies experienced in large-scale, outdoor mural production; and,

(c) That the City Solicitor be authorized to prepare the necessary agreements with the artist and private property owner; and,

(d) That the Mayor and City Clerk be authorized and directed to execute the above-noted agreements.

13. That regarding land ownership and the provision of a heating source to the Woodward Avenue Historic Hamilton Waterworks site, the following be approved:

(a) That the terms attached hereto as Appendix "C" be approved and forwarded to Regional Council for its approval; and,

(b) That the Mayor and City Clerk be authorized to execute documents to implement the foregoing in a form satisfactory to the Director of Culture and Recreation and to the City Solicitor; and,

(c) That for an interim heat source, the Director of Culture and Recreation be authorized to expend unbudgeted funds in an amount of $32,100 from Major Maintenance to Civic Buildings Account No. CF319741033 as the City's share of the purchase and installation of a steam boiler; and,

(d) That for a permanent heat source, the Director of Culture and Recreation be authorized to prepare a capital project submission for consideration during the 1998 - 2007 Capital Budget process concerning installation of a heat distribution system within the buildings, as contemplated by the Schedule of terms attached hereto as Appendix "C".

14. That the Director of the Culture and Recreation and the City Solicitor be authorized to negotiate an agreement with the Hamilton-Wentworth Regional Police to establish a Community Police Office in the Norman Lewis Recreation Centre.

15. That the Contracts between the City of Hamilton and the Gourley Park Community Association, which were attached to Section 17 of the Third Report for 1997 of the Parks and Recreation Committee and approved by City Council on 1997 March 25, be replaced with the Contracts attached herewith as Appendices "D" and "E".

16. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

(a) B-2 A By-law to amend By-law No. 92-213 respecting the restoration of the Steam Museum Pumphouse

Respectfully Submitted,

Susan K. Reeder
Acting Secretary

ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE

1997 June 17

Appendix "A" referred to in
Section 8 of the Sixth
Report for 1997 of the
Parks and Recreation Committee

Implementation of Hamilton Beach Neighbourhood Plan

1. That the Hamilton Region Conservation Authority (HRCA) be requested to finalize its property transfer arrangement with the Ministry of Transport Ontario (MTO), thus increasing the HRCA's overall holdings on Hamilton Beach from ±25.5 to 40.8 acres, with financing of the property acquisition from the existing HRCA - "Hamilton Beach Acquisition Reserve" which has a balance of ±$136,000. and contains no Provincial funding; and,

2. That the HRCA transfer its entire land holdings on Hamilton Beach, including the MTO properties referred to in Paragraph 1., to the City of Hamilton for the market value sum of $2,250,000. minus the value of lands referred to in Paragraph 3 estimated at $306,500; and,

3. That the Provincial Government forfeit its financial interest in the properties to be retained by the City for park and open space purposes (approximately 5 acres) subject to registration on title of a Conservation Easement satisfactory to the Province ensuring continued use of affected properties for park and open space purposes and that this amount be accounted for in the purchase payment made by the City of Hamilton to the HRCA; and,

4. That the HRCA be ensured first right of refusal for properties referred to in Paragraph 3 in the event that said properties be considered for disposal by the City; and,

5. That the HRCA reimburse the City of Hamilton and return to the Province of Ontario a percentage of the purchase payment of the Hamilton Beach properties, equal to the percentage contribution by the City of Hamilton ±45% and the Province of Ontario ±55% when the properties were acquired, exclusive of the MTO holdings and in the case of the Province, the returned funding to exclude the value of properties referred to in Paragraph 3; and,

6. That upon completion of the acquisition of the MTO properties referred to in Paragraph 1., the HRCA shall be entitled to the remnant value of the Hamilton Beach Acquisition Reserve (approximately $85,000.), this representing a token payment to the HRCA for its administration of the project between 1976 and 1997; and,

7. That the Provincial Government direct its financial interests resulting from the purchase of Hamilton Beach properties by the City of Hamilton from the HRCA to establish a capital reserve to be administered by the Waterfront Regeneration Trust, said reserve to be subject to an annual adminstration fee in the range of .75% and be available to the City of Hamilton for construction of the Hamilton Beach Recreational Trail on a 50% City of Hamilton - 50% Waterfront Regeneration Trust funding basis; and,

8. That in recognition of the constraints impacting on the City's ability to immediately commence development of the waterfront trail based on the 50/50 cost sharing formula referred to in Paragraph 7, the Province agrees to maintaining its funding commitment for a period of not less than 5 years after which affected parties will undertake to review the project status annually against competing initiatives and funding priorities; and,

9. That the City of Hamilton's Chief Administrative Officer, in consultation with Municipal Departments, undertake preparation of a land disposal strategy for surplus lands geared to maintaining sound land use principles and maximizing financial return to the City; and,

10. That the Parks Division, Department of Public Works and Traffic for the City, undertake to design a recreational trail for the Hamilton Beach Waterfront, said design to be subject to input by the HRCA and Hamilton Beach Preservation Committee, and endorsement by the Waterfront Regeneration Trust prior to submission to the City's Parks and Recreation Committee for consideration and recommendation to Council; and,

11. That the City's share for funding the design and construction of the trail originate from the proceeds resulting from the sale of properties referred to in Paragraph 9 and/or other local sources.

Chedoke Winter Sports Park
1998 Business Plan

BACKGROUND:

Council at its meeting of 1996 August 13 approved the operation of the Ski Hill Facility for a one year period with direction to provide an annual report to the Parks and Recreation Committee relative to the success of the operation and strategic direction related to the future of the ski hill facility.

The revised Business Plan for 1998 has been developed following a detailed review of the 1997 operation.

The duration of this plan would be one year with the termination coinciding with the termination of the golf course-related contracts.

A break even operation remains a near impossibility.

The conclusion of the 1998 operating season coincides with the termination of all private contracts with our golf partners and could provide an opportunity for Committee and Council to consider alternative management models for the combined Chedoke golf and ski operation.

The success of the program is weather dependent. As a result the service does contain significant risk.

Closure of ski hill operation has also been reviewed and is presents as an alternative course of action.

CURRENT OPERATIONAL APPROACH:

The current method of operation includes a fully controlled operation by the City. City staff were responsible for the lessons, rentals and tow tickets. In return, we received all revenues generated. In 1997, the net cost of the ski hill was approximately $280,029. Schedule A contains a budget analysis.

DISCUSSION:

A. THE PROPOSED VISION FOR THE CHEDOKE WINTER SPORTS PARK

Chedoke Winter Sports Park provides an opportunity within the heart of the City for the local community to enjoy the outdoors during the winter months. Activities include: downhill skiing for beginner and experienced skiers, cross country skiing, tobogganning, skating hiking and a cozy warm clubhouse. Aggressive program development, marketing and careful management of the operation has increased participation.

The adoption of an aggressive business plan in 1997 has enabled the ski hill to be operated with minimum subsidy from City taxpayers. City staff are ensuring first class conditions and outstanding customer service.

This Vision statement summarizes the recommendations of staff that will allow the management and operation of the ski hill to remain with City staff, but operating with a reduced net cost to the City. The following sections of the report documents staff's operation review.

B. OPERATIONAL IMPROVEMENTS

Traditionally, it has been the role of the ski hill to provide easy accessibility, reduced cost and introduction to this winter sport. Instruction and learn to ski programs for children are seen as our primary objectives.

A number of operational refinements were identified to further reduce the net operating deficit for fiscal 1998.

1. MANAGEMENT STRUCTURE

Staff have reviewed the current arrangements and are not proposing any changes to a City fully controlled operation.

We have determined that there are several opportunities on the program side of the operation; increasing user fees, offering additional lesson programs over and above last year's program offerings and a sell out of the lesson program have the capability to increase skier visits and generate increased revenue.

On the operations side staff are proposing to close the Senior Hill. This will result in a labour savings and avoid necessary capital costs for replacement of the chairlift cable. The Senior Hill is not utilized for instruction, only by the more experienced recreational skier.

2. REDUCED SKI SEASON AND HOURS OF OPERATION

With weather as unpredictable as we have experienced and snowmaking equipment that requires significantly cold temperatures. Our review revealed a similar pattern has emerged relative to opening. Keeping with tradition, January 3 would be the projected opening, the service level would be reduced to 42 planned days over 8.2 weeks from 56 days over 10.5 weeks.

The Hours of Operation would be reduced to 38 hours from 50 hours. This is focused around the workforce and our Learn to Ski programs. The Learn to Ski programs provide the greatest revenue opportunities. The recreational ski hours have been reduced.

The Christmas season should remain a viable option if weather and conditions permit. Revenue for this period would be in addition to forecast estimates.

3. ORGANIZATION OF MANPOWER

The proposed plan will result in a decrease in the number of staff required. The complement of lift attendants would decrease from 12 to 8 and the realignment of the number of weeks and hours will substantially reduce the overtime. The part time complement will remain relatively the same. Labour savings from the reduced service level total $66,140. ($23,950 from closure of the senior hill remainder staff overtime costs.)

4. OTHER RELATED OPERATING EXPENSES

The operating expenses are variable costs and under a total City responsibility, the 1998 operating budget has been adjusted upwards to include office supplies, advertising and promotion and postage along with inflationary increases to $202,500 up from $180,310.

5. RATES AND FEES

A survey of ski hill users indicated that an increase in user fees for lessons, tow tickets, season passes and rentals would be viable.

Our primary usage is in the area of "Learning to Ski". We have determined that there are several opportunities to offer additional lesson programs over and above last year's program offerings. An expanded program and a sell out of the overall lesson program (1,300 registrants up from 1,005 in 1997) would result in increased revenues of $14,000.

Tow Tickets - Staff are recommending keeping with the timed tow ticket system. It is presumed that skier visits will remain relatively the same but some fluctuation will occur in the options purchased. New fees are compatible with neighbouring areas.

Season Passes - The Chedoke Racing Club will continue to purchase season passes and they remain a good buy for the regular skier. Fees remain in line with daily tow ticket users based on 10 visits or more.

Rentals - Under the one year plan the equipment rental operation will remain the same. No inventory increase is proposed only a realignment of the ski size quantities.

Based on last year's performance increased revenues totalling $22,769 is expected. Skier visits are expected to increase to 25,500.

GROUP/SCHOOL LESSONS - This area of the program was featured last season. The Ski Hill provides an ideal opportunity to introduce skiing to children.

6. COMPREHENSIVE MARKETING PROGRAM

With an established client base and an advertising and promotion allocation in

the budget. Development of an aggressive ad campaign locally and as part of the Region's tourism strategy will enable a better profile the facility to encourage increased skier visits.

7. CAPITAL INVESTMENTS

Capital investment in equipment replacement is a priority to increasing the utility and efficiency of the Ski Hills. $2.9 million in capital work for new snowmaking technology and a new lift system will be required over the long term.

No capital expenditures are recommended until a long term commitment is made to the continued operation of the skiing program.

8. FINANCIAL PICTURE

The proposed plan will reduce the net operating deficit fiscal 1998 to $219,310 down from the $280,029 for 1997. A revised rate of subsidy would be 45.7% compared to the current rate of 55.5%.

Schedule A presents a revised budget with all costs reported, thereby providing a reasonable comparison with other City Recreation operations.

The proposed plan will produce savings to the City of $60,719 for 1998.

C. PRIVATIZATION OF THE SKI HILL FACILITY

Staff are still of the view that privatization of the Ski Hill is not viable at this time. The recommendations indicated the proposed plan's completion will coincide with the end of the current golf contracts. At this time, Council will be able to consider outsourcing the management of both golf and ski facilities.

D. CLOSURE OF THE SKI HILL OPERATION

In the event that the City is not willing to go forth with the above plan, the operation should be closed. Closure will result in savings for 1997 of $77,914 and in 1998 $430,310 if hourly rated unionized staff assigned to this service are laid off for the duration of the assignment and the operating budget is reduced to $50,000.

Schedule A

The chart restates the budget for 1997, the proposed budget for 1998 inclusive of costs and new revenues generated through increased user fees and increased program opportunities. It also provides an analysis of a cross section of City Recreation facilities for comparison purposes.

	SKI HILL	RECREATION FACILITIES				ARENA FACILITIES		MUSEUMS
	Current Operational Approach	Proposed Operational Approach	Dalewood Rec. Centre	Huntington Park Rec. Centre	Hill Park Recreation Centre	Lawfield Arena	Parkdale Arena	Dundurn Castle
Season	10.5 weeks	8.2 weeks	Yr.Round	Yr. Round	Yr. Round	Yr.Round	Yr. Round	Yr. Round
Operational Days	5 days/wk. (39 days)	5 days/wk. (42 days)	7days/wk.	7 days/wk.	7 days/wk.	7days/wk.	7 days/wk.	6 days/wk. open hol. Mondays
Financial Picture								
Salary/Wage&Ben Full&Part Time	$323,950	$277,810	$401,850	$449,320	$400,350	$295,020	$245,790	$604,900
Operating Expenses	$180,310	$202,500	$120,170	$219,230	$169,030	$211,171	$106,882	$244,107
Total Gross Cost	**$504,260**	**$480,310**	**$522,020**	**$668,550**	**$569,380**	**$506,191**	**$352,672**	**$849,007**
Revenue								
Total Revenue	$224,231	$261,000	$137,150	$293,750	$162,580	$186,880	$107,060	$204,700
Net Cost	**($280,029)**	**($219,310)**	**($384,870)**	**($374,800)**	**($406,800)**	**($319,311)**	**($245,612)**	**($644,307)**
Rate of Subsidy	55.5%	45.7%	73.7%	56.1%	71.4%	63.1%	69.6%	75.9%
Total # Participants	23,302	25,000	78,000	227,771	100,445	176,000	118,215	51,000
GrossCost/participant	$21.64	$19.21	$6.69	$2.94	$5.67	$2.87	$2.98	$16.65
Avg.Participant(Rev)	$9.62	$10.44	$1.76	$1.29	$1.62	$1.06	$0.91	$4.02
Unit Cost/participant being subsidized	$12.02	$8.77	$4.93	$1.65	$4.05	$1.81	$2.07	$12.63

Appendix "C" referred to
in Section 13 of the Sixth
Report for 1997 of the Parks
and Recreation Committee

WOODWARD AVENUE HISTORIC HAMILTON WATERWORKS

OUTLINE OF TERMS BETWEEN

THE REGION OF HAMILTON-WENTWORTH (" Region")

AND

THE CITY OF HAMILTON ("The City")

These terms are the basis of the resolution of two issues between the Region and the City, namely, land ownership of and the provision of a heating source to, the Woodward Avenue Historic Museum of Steam and Technology.

1. LAND & EASEMENT TRANSFERS:

(a) The Region shall convey (for $2.00) to the City the land associated with the operation of the Woodward Avenue Museum of Steam and Technology, inclusive of the land on which the buildings stand, the associated parking lot and contiguous grounds currently used in the operation of the Museum. (Parts 2,3,4& 6, 62R-13828). This land is known municipally as a portion of 800/900 Woodward Avenue. The property would be conveyed to the City subject to the condition that should the City cease to operate the property as a museum, ownership of the property would revert to the Region.

(b) the City shall convey (for $2.00) an underground easement in the said land to the Region to enable the Region to operate, maintain, repair, replace and add its infrastructure beneath this property. The Region shall be responsible for restoration of the surface disrupted by its work, however, costs to remove and replace program equipment and chattels of the City and the volunteer groups shall be the responsibility of the City. The Region shall provide due and proper notice of planned activity pursuant to the easement (such as repairs, maintenance etc) and shall use its best efforts to undertake planned work at a time that will not interfere with key programming times at the museum. The Region will be entitled to immediate access to deal with emergencies.

(c) the City shall convey (for $2.00) to the Region an above ground easement for vehicular access between Woodward Avenue and the Region's Waste Water Treatment site, such right of way to be upon the said Part 2, 62R-13828;

2. HEATING SOURCE:

Pending the provision of a permanent heat source discussed below, the City needs to ensure that an interim heating source is in place for the next heating season. The Region shall permit City (for $2.00) to install, operate and maintain a temporary boiler in the Region's adjacent "High Lift Building".

For purposes of a permanent replacement to the steam heat formerly supplied by the Region at no cost to the City for the steam museum, the Region confirms to the City that there is sufficient capacity to also supply hot water at no cost. The hot water is available as an incremental addition to the Region's proposed hot water heating system between SWARU and its water treatment facility. The variable cost of providing this service to the City is negligible relative to the cost of the entire system.

The Region shall be responsible for all capital costs to introduce a hot water system to the whole site.

The City will bear costs to an upset limit of $100,000 to bring the heat to the Museum buildings with the Region responsible for all costs beyond that upset limit.

The City will be responsible for all costs for pipe replacement within the buildings in order to accept and utilize the new energy source.

A "joint undertaking" agreement pursuant to the Municipal Act (section 120) incorporating the said provisions regarding heating shall be entered into by the Region and the City and be binding upon their successors and assigns of their respective adjacent properties.

THIS AGREEMENT made in quadruplicate this 25th day of June, 1997.

Appendix "D" referred to in Section 15 of the Sixth Report for 1997 of the Parks and Recreation Committee

BETWEEN:

THE CORPORATION OF THE CITY C

(Hereinafter called the "City")

OF THE FIRST PART.

- and-

GOURLEY PARK COMMUNITY ASSOCIATION
(Hereinafter called the "Association")

OF THE SECOND PART.

WHEREAS the City is the owner of Gourley Park (hereinafter called the "Park"), municipally known as 000 Duncairn Crescent, located in the City of Hamilton;

AND WHEREAS the Association has entered into a Licence Agreement with the City;

AND WHEREAS the City had planned to construct a sun shelter building at the Park;

AND WHEREAS the Association has approached the City to enlarge the proposed building with the Association paying for the increased construction costs;

AND WHEREAS on March 25, 1997, City Council, in adopting Section 17 of the 3rd Report of the Parks and Recreation Committee, authorized an Agreement with the Association;

AND WHEREAS Council, on June (specify), in adopting Section (specify) of the (specify) Report of the Parks and Recreation Committee authorized a revised Contract with the Association.

NOW THEREFORE this Agreement witnesses that, in consideration of the mutual covenants and agreements herein, the parties agree as follows:

1. Subject to the terms of this Agreement, the City agrees to construct a building in Gourley Park containing a meeting room and washrooms, as shown on the plan attached to this Agreement as Schedule "A".

2. The Association agrees to pay the total cost of constructing the meeting room and washrooms (hereinafter called the "Premises") to be constructed in the Park, as shown on Schedule "A" attached to this Agreement. The Association's contribution to the building cost is $53,035.00.

3. The Association acknowledges that the City will only be constructing the bare walls of the Premises and that the Association will be responsible for completing the Premises, including the wiring, plumbing fixtures and wall coverings.

4. The Association Agrees to pay to the City $15,000.00 at the date of signing of this Agreement. Thereafter, the Association shall pay to the City $5,000.00 per year, commencing on December 15, 1997, and on each and every December 15th until the total cost of the Association's part of the building is fully paid for.

5. If the City terminates the Licence Agreement pursuant to paragraph 15 of the Licence Agreement, the City will refund part of the Association's contribution to the construction costs of the premises, based on the following formula,

The amount actually paid by the Association, times
40 - N times 2.5 percent

where "N" represents the number of years, or part years, the Association has occupied the premises.

There shall be no refund of the amount paid by the Association after the year 2036.

6. If the Association makes all the payments as described in paragraph 4, the City will not charge interest on the Association's outstanding debt to the City.

7. When the tenders are received, the City shall inform the Association of the cost of the Association's portion of the total building construction cost.

8. The Association acknowledges that the use and occupation of the Premises is subject to a Licence Agreement to be executed by both parties.

9. If the Association fails to repay to the City the outstanding construction costs of the Premises in accordance with this Agreement, the City may, without limiting its other remedies, terminate the occupation Licence.

10. The Association acknowledges that it had the opportunity to obtain legal advice prior to signing this Agreement.

IN WITNESS WHEREOF the said parties have hereunto affixed their authorized signatures and seals.

Signed, Sealed and Delivered
in the Presence of:

THE CORPORATION OF THE CITY OF HAMILTON
per:

_____
Mayor

Approved as to
form and content

Date:_____

_____
City Solicitor

_____
Date

_____
City Clerk

Date:_____

GOURLEY PARK COMMUNITY ASSOCIATION
per:

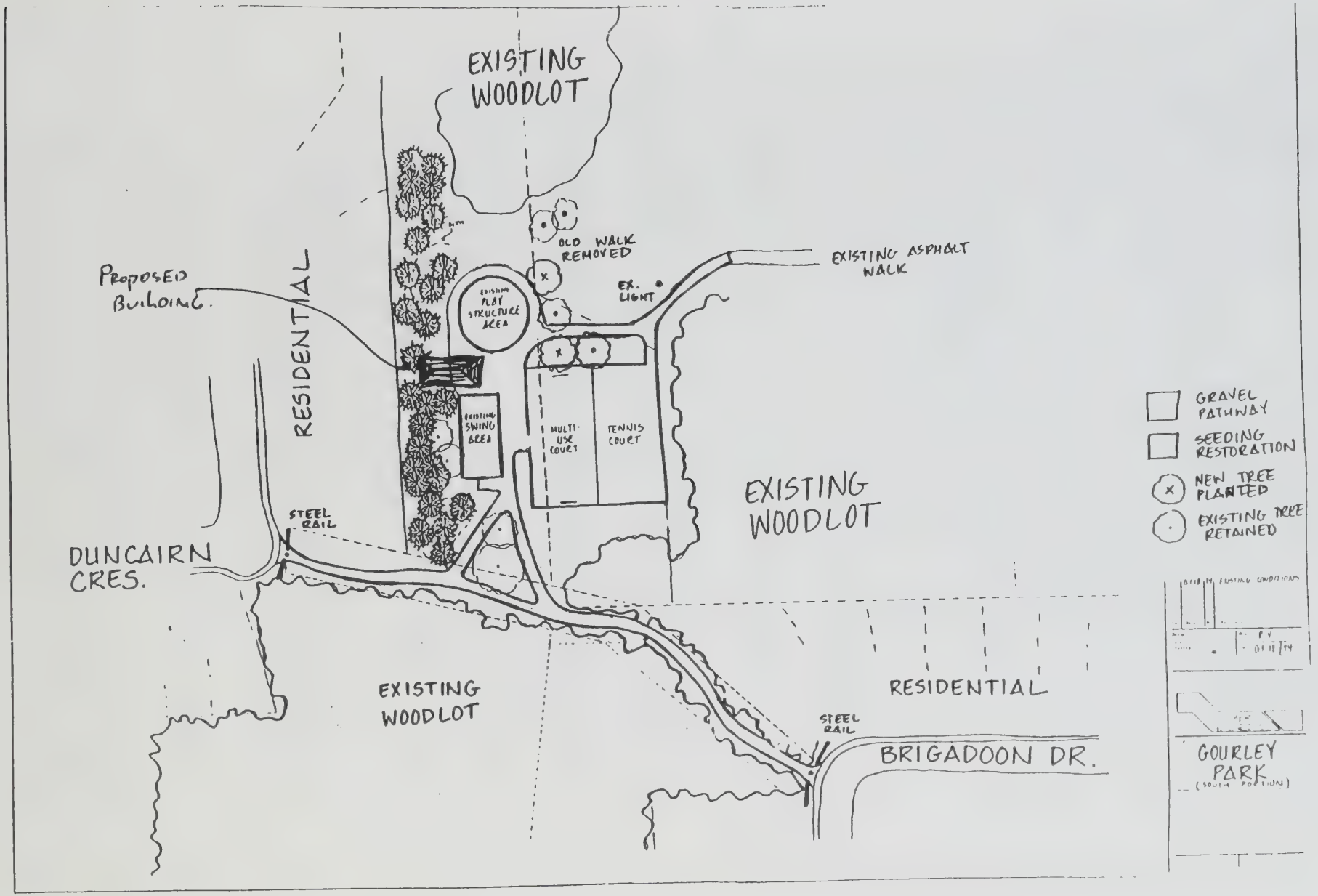
_____ (seal)

Date:_____

_____ (seal)

Date:_____

\CONT\GOURLEY8.2ND


EXISTING WOODLOT
OLD WALK REMOVED
EXISTING ASPHALT WALK
PROPOSED BUILDING
RESIDENTIAL
EXISTING PLAY STRUCTURE AREA
EX. LIGHT
EXISTING SWING AREA
MULTI USE COURT
TENNIS COURT
EXISTING WOODLOT
STEEL RAIL
DUNCAIRN CRES.
EXISTING WOODLOT
RESIDENTIAL
STEEL RAIL
BRIGADOON DR.
GRAVEL PATHWAY
SEEDING RESTORATION
NEW TREE PLANTED
EXISTING TREE RETAINED
GOURLEY PARK (SOUTH PORTION)

SCHEDULE "A"

DATED THIS 26TH DAY OF MARCH, 1997

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

AND

GOURLEY PARK COMMUNITY ASSOCIATION

A G R E E M E N T

Re: Construction of Meeting Room and Washrooms in Gourley Park

---

City Solicitor
City Hall
71 Main Street West
P.O. Box 2040
Hamilton, Ontario
L8N 3T4
File: 20-20-369/97.1
LEF:as

Appendix "E" referred to in Section 15 of the Sixth Report for 1997 of the Parks and Recreation

THIS AGREEMENT made in quadruplicate this 25th day of Ju

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON

(Hereinafter called the "City")

OF THE FIRST PART.

- and-

GOURLEY PARK COMMUNITY ASSOCIATION
A Non-Profit Corporation incorporated
under the Corporations Act

(Hereinafter called the "Association")

OF THE SECOND PART.

WHEREAS the City is the owner of Gourley Park, municipally known as 000 Duncairn Crescent, located in the City of Hamilton;

AND WHEREAS the Association and the City have agreed to use part of the Gourley Park land for the purpose of constructing a City owned building containing a meeting room and washroom (hereinafter called the "Premises"), as shown on the diagram attached as Schedule "A";

AND WHEREAS on March 25, 1997, City Council, in adopting Section 17 of the 3rd Report of the Parks and Recreation Committee, authorized an Agreement with the Association;

AND WHEREAS Council, on June (specify), in adopting Section (specify) of the (specify) Report of the Parks and Recreation Committee authorized this Agreement:

NOW THEREFORE this Agreement witnesses that, in consideration of the mutual covenants and agreements herein, the parties agree as follows:

1. **GRANT OF LICENCE**

Subject to the terms and conditions of this Agreement, the City hereby grants the Association a licence to occupy the Premises located in Gourley Park as shown on the diagram attached to and forming part of this Agreement as Schedule "A", for the sum of Two Dollars ($2.00) per year.

2. This Agreement shall commence on June 1, 1997 and shall terminate on May 31, 2002 unless terminated early pursuant to this Licence Agreement. The Agreement may be renewed with City Council's consent.

3. The Association may use the Premises only in accordance with the constitution of the Gourley Park Community Association, attached as Schedule "B" to this Contract, subject to annual review and approval of use plans by the Commissioner of Public Works and Traffic. The Association agrees to give the City a copy of any amendment to the Association's constitution.

4. The building will be constructed by the City to the bare walls only. The Association shall pay the cost of finishing the Premises, including, but not limited to, dry walls, plumbing fixtures and electrical wiring.

5. The Association shall discharge all liabilities incurred by it for labour, materials or services used or reasonably required for use in the performance of this Contract on the date upon which each becomes due.

The Association shall cause each Sub-contractor engaged in the performance of this Contract to discharge all liabilities incurred by such Sub-contractor for labour, materials or services used or required for use in the performance of this Contract.

The Association shall ensure that all of the persons constructing the Premises comply with the Occupational Health and Safety Act, R.S.O. 1990, Chapter O.1.

6. The Association shall be solely responsible for the interior maintenance of the Premises. The Premises shall be maintained in a neat and clean condition to the satisfaction of the City.

7. The City shall have the right to inspect the Premises at all times and the Association shall give the City one set of keys to the Premises.

8. The Association may not apply for any permanent Liquor Licence for the Premises under the Liquor Licence Act of Ontario, but may apply for a Special Occasion Permit with the consent of the City, which consent shall not be unreasonably withheld.

When the Association applies to the City for the Special Occasion Permit consent, the Association agrees to provide the City with an insurance Certificate indicating that the Association has purchased FIVE MILLION DOLLARS ($5,000,000.00) of Liquor Liability Insurance and that the City is an additional insured on the policy.

9. The Association shall pay one half of the total cost of the Hydro Service to the combined building. The Association shall be invoiced by the City for the Hydro cost and shall pay the invoice within 15 days of the invoice being issued.

10. The Association shall pay one half of the heating costs for the entire building. The Association shall be invoiced by the City for this cost and shall pay the invoice within 15 days of the invoice being issued.

11. The Association agrees to pay any property and education taxes or charges levied against the City as a result of the Association's occupation of the Premises.

12. The Association may rent the Premises to other groups, but may not charge the other group more than the Association's true cost arising out of the other group's use of the Premises.

The City reserves the right to mediate any disputes relative to use of the Premises.

13. **PUBLIC LIABILITY - INDEMNIFICATION AND INSURANCE**

(a) The Association shall use and occupy the Premises in a careful, safe, lawful and proper manner and shall so conduct its activities in or about the Park and Premises as not to endanger any property or any person thereon; and, with the sole exception of claims arising entirely by reason of an Act of God, shall indemnify and save harmless the City against any and all claims and costs of the City of Hamilton, or of other persons, arising in any way out of the performance of this Licence Agreement or out of the Association's occupation of the Premises.

(b) The Association hereby releases the City from any and all liability to any persons (including the Association and third parties) for any loss, damage or injury to any person or property incurred in or upon any property occupied by the Association.

(c) The Association agrees to obtain and maintain a comprehensive general liability policy:

(i) naming the City as an additional named insured party;

(ii) including the following extensions of coverage:

Broad Form Property Damage
Occurrence Property Damage
Personal Injury
Blanket Contractual
Completed Operations
Owner's Protective
Employees added as additional Named Insured
Cross Liability

Non-owned Automobile, including S.E.F. 96
Employer's Liability & Contingent Employer's Liability

(iii) providing not less than TWO MILLION DOLLARS ($2,000,000.00) inclusive limits of liability;

(iv) providing that the Policy shall not be cancelled without sixty (60) days written notice to the City.

(d) The Association shall furnish to the City a certified copy of such policy of insurance throughout the continuation of this Licence Agreement.

14. **DEFAULT**

The Association shall be in default under this Agreement if:

(a) the Association does not pay to the City any payment required hereunder when due, or

(b) the Association fails to maintain the insurance coverage required under clause 13 herein, or the Liquor Licence Insurance required by clause 8,

(c) the Association fails or neglects to comply with or perform any material covenant or term of this Agreement and such failure or neglect continues for a period of 60 days after receipt by the club of written notice from the City setting out the particulars of such non-compliance.
If the Association has failed to remedy such non-compliance on the expiry of sixty days after receipt of such written notice the City may, at its option, perform or cause to be performed any such covenants or obligations and all expenses incurred by the City in so doing shall be immediately payable as part of the annual licence fee under clause 1 (one) herein, or

(d) the Association shall make an assignment for the benefit of its creditors or have a receiving order made against it or become bankrupt or insolvent or if any action shall be taken to wind up, dissolve or liquidate the Association.

(e) The Association shall change its Corporate status and be incorporated under the Business Corporations Act or a similar Act.

15. TERMINATION

(a) This Agreement may be terminated by the City by written notice to the Association in the event of default by the Association as set out in clause 14 above.

(b) This Agreement may also be terminated by either party on six month's notice to the other.

16. CONSEQUENCES OF TERMINATION

Upon termination or expiration of this Agreement:

(a) the Association shall immediately cease all of its operations at the Premises and, within a period of ten (10) days after termination, remove from the Premises all of the Association's property and equipment and shall repair any damage caused by the Association to the Premises by such removal;

(b) the Association shall, within ten (10) days following such termination, pay to the City all payments owing under this Agreement;

(c) the City shall be free to enter into an Agreement similar to this Agreement with any other party.

17. EXTENSION OF LICENCE

If the term of this licence expires without further written agreement of the parties and the Association continues to use the Premises with the permission of the City, then this Licence Agreement shall be deemed to continue in full force and effect upon the same terms and conditions until the City or the Association gives the six (6) month written notice of termination specified by paragraph 15 to the other party.

18. LAW, RULES AND REGULATIONS

The Association covenants for itself, its servants, agents, and employees that it will observe, keep and perform all rules, regulations and by-laws of the City, its Police Department, its Fire Department and the Fire Marshall and with any other department of the City, Provincial or Federal Governments, or any other proper authority in that behalf including, but not limited so far as the same shall relate to conditions of sanitation, health, fire prevention, safety, crowd control or otherwise howsoever in relation to the Premises and the use and occupation thereof, and will in all respects conduct its operations therein strictly in accordance with the law. The association further covenants for itself, its servants, agents and employees to use its best efforts to ensure that its patrons will also observe, keep and perform all rules, regulations and by-laws as set out above.

19. No reference to, nor exercise of, any specific right or remedy by the City shall prejudice or preclude the City from exercising any other remedy, whether allowed at law or in equity or expressly provided for herein. No such remedy shall be exclusive or dependent upon any other such remedy, but the City may from time to time exercise any one or more of such remedies independently or in combination.

20. This Licence Agreement shall be governed by, and construed under, the laws of the Province of Ontario.

21. Time is of the essence of this Licence Agreement, and if any enlargement or extension of time shall be granted, time shall continue to be of the essence in respect of the enlargement or extension of time.

22. No provision of this Licence Agreement shall be deemed to have been waived by the City unless such waiver is in writing and signed by the City. A waiver of the City of a breach of any term or condition of this Licence Agreement shall not prevent a subsequent act, which would have originally constituted a breach, from being of the force and effect of any original breach. Receipt by the City of consideration under this Licence Agreement with knowledge of a breach by the Association of any term or condition of this Licence Agreement shall not be deemed a waiver of such breach. Failure by the City to enforce against the Association any of the Rules and Regulations under Paragraph 16 shall not be deemed a waiver of such Rules and Regulations.

23. No amendment, modification or supplement to this Licence Agreement shall be valid or binding unless set out in writing and executed by the parties hereto.

24. This Licence Agreement contains the entire agreement between the parties hereto with respect to the subject matter thereof. the Association acknowledges and agrees that it has not relied upon any statement, representation, agreement or warranty of the City except as set out in this Licence Agreement.

25. In construing this Licence Agreement, words in the singular shall include the plural, and visa versa and words importing the masculine shall include the feminine and the neuter and visa versa, and words importing persons shall include corporations and vice versa.

26. This Licence Agreement shall enure to the benefit of, and be binding upon, each of the parties hereto, and each of their respective successors and assigns.

27. This Agreement cannot be assigned by the Association without the written approval of the City Council.

28. NOTICES

Any notices required or permitted to be given hereunder shall be sufficiently given if delivered or mailed by prepaid registered mail as follows:

(a) If to the City:

The City Clerk
The Corporation of the City of Hamilton
City Hall, 71 Main Street West
P. O. Box 2040
Hamilton, Ontario
L8N 3T4

(b) If to the Association:

Gourley Park Community Association
407 Brigadoon Drive
Hamilton, Ontario
L9C 6C7
Attention: Karen Marcoux

Any notice so given shall be deemed to have been received on the date of personal delivery or on the fourth business day after the date of mailing, as the case may be.

The Association shall give the City prompt Notice of any change in the Association's address for service.

IN WITNESS WHEREOF the said parties have hereunto affixed their authorized signatures and seals.

Signed, Sealed and Delivered
in the Presence of:

THE CORPORATION OF THE CITY OF HAMILTON
per:

_____
Mayor

Date:_____

Approved as to
form and content

_____
City Solicitor

_____
Date

_____
City Clerk

Date:_____

GOURLEY PARK COMMUNITY ASSOCIATION
per:

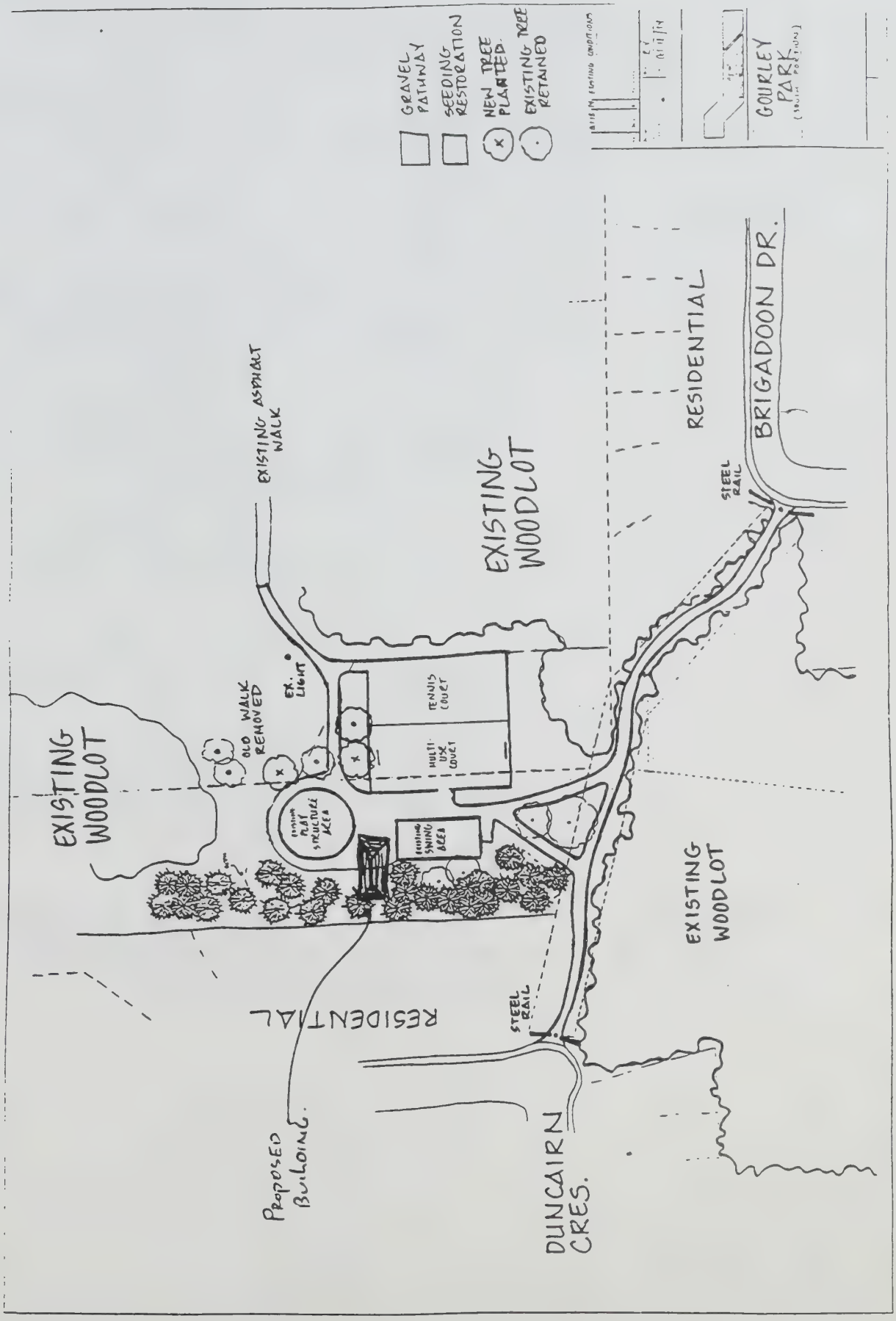
_____ (seal)

Date:_____

_____ (seal)

Date:_____

\CONT\GOURLLIC.BOB


GRAVEL PATHWAY
SEEDING RESTORATION
NEW TREE PLANTED
EXISTING TREE RETAINED
GOURLEY PARK
EXISTING ASPHALT WALK
EXISTING WOODLOT
RESIDENTIAL
BRIGADOON DR.
STEEL RAIL
OLD WALK REMOVED
EX. LIGHT
TENNIS COURT
HALF SIZE COURT
EXISTING SHRUB BEDS
PROPOSED BUILDING.
DUNCAIRN CRES.

SCHEDULE "A"

GOURLEY PARK COMMUNITY ASSOCIATION

C O N S T I T U T I O N

Article I — This organization shall be known as: GOURLEY PARK COMMUNITY ASSOCIATION. *

Article II — AIMS & OBJECTIVES

(a) The aims and objectives of this organization shall be:

1. To promote recreational activities within the geographic area of the community with the objective of encouraging participation by the greatest number of residents of the area and in all age groupings.

2. To promote community activities within the geographic area of the community with the objective of encouraging participation by the greatest number of residents of the area and in all age groupings.

3. To co-operate with existing groups interested in recreation in the area so that a well co-ordinated program of activities will result.

(b) The Association shall be non-denominational.

(c) The Association shall be non-partisan, non-political.

(d) BOUNDARIES - The geographic area of Gourley Park Community Association shall extend from Garth Street to West 5th Street and from Limeridge Road West to Stonechurch Road West.

Article III — MEMBERSHIP

(a) Membership in the Gourley Park Community Association will be open to any resident in the geographic area of the community, and as provided for in Article X.

DATED THIS 26TH DAY OF MARCH, 1997

BETWEEN:

THE CORPORATION OF THE CITY OF HAMILTON

AND

GOURLEY PARK COMMUNITY ASSOCIATION

AGREEMENT

Re: Licence to Occupy the Premises Located in Gourley Park and Washroom

---

City Solicitor
City Hall
71 Main Street West
P.O. Box 2040
Hamilton, Ontario
L8N 3T4
File: 20-369/97.1
LEF:as

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TENTH** Report for 1997 and respectfully recommends:

1. That approval be given Zoning Application ZAC-97-16, 1104020 Ontario Inc.(D. and G. Ciarmella), owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District to permit the development of one semi-detached two family dwelling unit, for property located at No. 661 Upper Wellington Street, as shown on the attached map marked as Appendix "A", on the following basis:

   (a) The "C" (Urban Protected Residential, etc.) District, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands be further modified to include the following variances as special requirements:

      (i) That notwithstanding Subsections 9(1) and (3), one semi-detached two family dwelling with a minimum lot frontage of 17.11 m and minimum lot area of 534 m^2 shall be permitted; and,

      (ii) Where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade; and,

   (b) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1383, and that the subject lands on zoning District Map E-16 be notated S-1383; and,

   (c) That the City Solicitor be directed to prepare a By-law to amend zoning by-law No. 6593 and Zoning District Map E-16 for presentation to City Council; and,

   (d) That the proposed changes are in conformity with the Official Plan for the Hamilton Planning Area.

2. That approval be given to Zoning Application 97-15, Kimshaw Holdings Limited, applicant, for a change in zoning from "K" (Heavy Industry. etc.) District to "L-mr-1" (Planned Development - Multiple Residential) District, to permit future development for multiple-family residential development, for lands located on the north side of

Barton Street West, east of Crooks Street, as shown on the attached map marked as Appendix "B", on the following basis:

(i) That the subject lands be rezoned from "K" (Heavy Industry, etc.) District to "L-mr-1" (Planned Development - Multiple Residential) District; and,

(ii) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. (a) That the Downtown Hamilton Community Improvement Plan (distributed to members of Council under separate cover as Appendix "C") be adopted, in order to implement initiatives such as the Gore Heritage 2000 Program, the Hamilton Downtown Convert/Renovate-to-Rent Loan Program, as well as the refund of fees as contained in the Plan; and,

(b) That the Downtown Hamilton Community Improvement Plan be re-submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

(c) That the City Solicitor be authorized to prepare the requisite By-law for (b) above; and,

(d) That the City Solicitor be authorized to prepare the appropriate By-law to repeal By-law #96-189 which was the By-law adopting the previously approved Downtown Hamilton Community Improvement plan.

4. (a) That the Seventh Report of the Planning and Development Committee, as adopted by City Council on April 29, 1997, be amended to delete Subsections 1.A., 1.B., 2.A. and 2.B. in their entirety; and,

(b) That the red-line revised plan of subdivision "Wisemount Estates" (File No. 25T-83004(R)), for lands located west of Upper Kenilworth Avenue and north of Limeridge Road East, comprising of 67 lots for street townhouses, 1 lot for a single family dwelling, 5 blocks to be merged with the adjacent single family dwelling lots, and 2 blocks for road widening purposes, be approved subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Urbex Engineering Limited and J.D. Barnes Limited, dated June 17, 1997, showing 67 lots for street townhouses, 1 lot for a single family dwelling, 5 blocks to be merged with the adjacent single family dwelling lots and 2 blocks for road widening purposes, on the attached map marked as Appendix "D"; and,

(ii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the Owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the Owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(vii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated;

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch;

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction.

(viii) That the owner dedicate Block 74, being a 3.048 m road widening for Limeridge Road, to the City of Hamilton; and.

(ix) That the owner dedicate Block 75, being a 5.18 m road widening for Upper Kenilworth Avenue, to the City of Hamilton; and,

(x) That the Owner establish Street "A" to its full 18.0 m width and that these lands be conveyed to the City of Hamilton at the time of registration of the final plan of subdivision. All works must be completed to the satisfaction of the Senior Director, Roads Department; and,

(xi) That the Owner provide the Region with documentation to the satisfaction of the Regional Environment Department and Utility Corporations (Hamilton Hydro, Union Gas, Bell Canada and Cable TV) that the standard roadway cross-section, utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Street "A", proposed at 18.0m width; and,

(xii) That the Owner construct sidewalks on both sides of Street "A" and that a combined walk and curb is to be constructed to the satisfaction of the Regional Environment Department; and,

(xiii) That 1 m by 1 m daylight triangles be included on the Final Plan of Subdivision at the intersection of Street "A" and Limeridge Road, as widened and Street A and Upper Kenilworth Avenue, as widened; and,

(xiv) That a minimum 4 m by 4 m daylight triangle be included on the Final Plan of Subdivision at the 90 angle in Street "A" adjacent to Lot 57; and,

(xv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xvi) That Street "A" be dedicated to the City of Hamilton as a public highway on the Final Plan of Subdivision; and,

(xvii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(xviii) That the Owner merge in title Blocks 68, 69, 70, 71 and 72 with Lots 4, 5, 6, 7 and 8, Registered Plan 62M-794 (respectively), to the satisfaction of the Director, Planning and Development Department and the City Solicitor; and,

(xix) That as a condition of development of Lots 39 to 43, inclusive, the Owner provide for full resurfacing of Racalmulto Drive to the satisfaction of the Commissioner of the Regional Environment Department; and,

(xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,

(xxi) That the Owner be required to enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands to satisfy all requirements, financial or otherwise of the City of Hamilton; and,

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-83003(R)), 822827 Ontario Inc., owner, proposed revised draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council;

(d) That the Regional Commissioner of Environment be advised that the City of Hamilton requests that the Draft Approved plan of Subdivision "Wisemount Estates - Phase 8" (Regional File No. 25T-83004) be further revised to delete the 6.0 m wide block for a public walkway and that a 9.0m wide easement, in favour of the Region of Hamilton-Wentworth be identified on Lots 7 and 8.

(e) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

(f) That approval be given to amended Zoning Application ZAC-97-07, 822827 Ontario Inc., owner, for changes in zoning from "DE-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "1"); from "E-2" (Multiple Dwellings) District to "RT-30" (Street - Townhouse) District (Block "2"); from "E-2" (Multiple Dwellings) District to "R-4" (Small Lot Single Family) District (Block "3"); and from "R-4" (Small Lot Single Family) District to "A" (Conservation, Open Space, Parkland and Recreation) District (Block 4) for lands located west of Upper Kenilworth Avenue and north of Limeridge

Road East, as shown on the attached map marked as Appendix "E", on the following basis:

(i) That Block "1" be rezoned from "DE-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District; and,

(ii) That Block "2" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District; and,

(iii) That Block "3" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District; and,

(iv) That Block "4" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family) District; and,

(v) That Block "5" be rezoned from "E-2" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family) District; and,

(vi) That the "RT-30" (Street Townhouse - Maisonette) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3", be modified to include the following variance as a special requirement;

(a) That in addition to the requirements of Section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard having a depth of not less than 7.0 m shall be provided and maintained for a two storey Street Townhouse Dwelling; and,

(vii) That the "RT-30" (Street Townhouse - Maisonette) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variance as a special requirement;

(a) That notwithstanding the requirements of Section 10F.(4)(c)(ii) of Zoning By-law No. 6593, a minimum westerly side yard having a width of not less than 1.2 m shall be provided and maintained;

(viii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1378, and that the Blocks "1", "2" and "3" on Zoning District Map E-59A be notated S-1378; and,

(ix) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59A for presentation to City Council; and,

(x) That, upon finalization of the implementing Zoning By-law, the Lisgar Neighbourhood Plan be amended as follows:

(1) that the public highway shown as Street "A" on Appendix "D" be added to the Neighbourhood Plan; and,

(2) that Blocks "1", "2" and "3", as shown on Appendix "A" be redesignated from "Medium Density Apartments" to "Attached Housing"; and,

(xi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

5. (a) That Zoning Application ZAC-97-05, 200 Rymal Road Inc. (A. DiSilvestro, President), owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District (Block "1") and for a further modification to the established "B-2" (Suburban Residential) District (Block "2") regulations to allow for small lot single family dwellings (average lot width 10 m) and to reduce the minimum required lot size from an average of 510 m^2 to a minimum of 480 m^2 shown as Blocks "1" and "2" on the attached map marked as Appendix "F" , be denied for the following reasons:

(i) the proposed "R-4" (Small Lot Single Family) District does not provide for a proper gradation of lot sizes in accordance with the approved Allison Neighbourhood Plan; and,

(ii) the proposed "R-4" (Small Lot Single Family) District adjacent to the existing "B-2" District (Block "1") does not provide for a proper transition of lot sizes; and,

(iii) the proposed "R-4" (Small Lot Single Family) District would result in an overconcentration of small lot single family dwellings whereas the existing approved development pattern provides for a balance of lot widths (i.e. 15 m, 12 m and 10 m wide lots) as provided for in the neighbourhood plan; and,

(b) That approval be given to amended Zoning Application ZAC-97-05, 200 Rymal Road Inc. (A. DiSilvestro, President), owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family)

District (Block "1") and for a further modification to the established "B-2" (Suburban Residential) District (Block "2") regulations to allow for small lot single family dwellings (average lot width 10 m) and to reduce the minimum required lot size from an average of 510 m^2 to a minimum of 480 m^2 shown as Blocks "1" and "2" on the attached map marked as Appendix "G", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District; and,

(ii) That Section 2.(a) of Zoning By-law No. 93-042, is deleted in its entirety and replaced with the following:

"notwithstanding the provisions of Section 8B(4) of By-law No.6593, every lot or tract of land shall have a width of at least 15.0 metres and an area of at least 480 square metres within the district."

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1303a, and that the subject lands on Zoning District Map W-9B be notated S-1303a;

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9E for presentation to City Council;

(v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

6. That approval be given to Zoning Application ZAC-97-09, Wesley Urban Ministries, owner, requesting a further modification in zoning to the established "E (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit a "drop-in centre" within the existing building, for the property located at No. 195 Ferguson Avenue North, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, as amended by By-law Nos. 92-197 and 93-117, applicable to the subject lands, be further modified to include the following variances as special requirements:

(i) notwithstanding Section 11(1) of Zoning By-law No. 6593, the following use shall be permitted on the first and second floor of the existing building located at No. 195 Ferguson Avenue North:

(1) drop-in centre.

(ii) for the purposes of the By-law, a Drop-in Centre shall mean any building or portion thereof used for the purposes of providing counselling, professional and personal care services, guidance, religious services, recreational activities, cafeteria, temporary refuge and other similar community based activities, by a person or persons on a temporary basis and is operated by a non-profit organization but is not considered as a residential care facility, short term care facility, hostel or community centre; and,

(iii) Notwithstanding Section 18A of Zoning By-law No. 6593, the drop-in centre shall not be subject to the parking and loading requirements; and,

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1279b, and that the subject lands on Zoning District Map E-3 be notated S-1279b; and,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-3 for presentation to City Council; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(e) That the Regional Health and Social Services Department assist Wesley Urban Ministries in setting up a Community Advisory Committee to work with area residents to help deal with any operational impacts of the "Drop-In" centre in the Beasley Neighbourhood.

7. That the City of Hamilton support the International Village B.I.A.'s decision to hire E. Kowalksi to prepare, create and install a mural at 245 King Street East, depicting the 1953 train derailment at Ferguson Avenue and King Street East, and that a purchase order be issued in the amount of $7,090 utilizing the previously approved monies from the Commercial Improvement Program.

8. That By-law #96-019 respecting the designation of the Barton General B.I.A., By-law #97-54 respecting the Members of the Board of Management of the Barton General Business Improvement Area, and By-law #97-090 authorizing a special charge in respect of the Barton General B.I.A., be amended to read "The Barton Village Business Improvement Area", in accordance with the B.I.A.'s decision to change its name as part of its marketing strategy.

9. (a) That the City Clerk be authorized to prepare a model constitution for presentation to all BIA's for their consideration; and,

(b) That the City Clerk or designate attend each BIA's Annual General Meeting and conduct the elections for their respective Boards of Management if requested; and,

(c) That the City Clerk or designate attend the first meeting of each newly elected Board of Directors following each Annual General Meeting and conduct a Parliamentary Procedure Seminar for the Board members if requested; and,

(d) That the City Clerk be authorized to provide advice to Community Renewal Officers on procedural issues as and when requested.

10. That the Hamilton Emergency Loan Program (H.E.L.P) be amended to reduce the established interest rate from eight percent (8%) per annum to two percent (2%) per annum for new applications with the maximum permissable loan remaining at $2,000.

11. That the Building Commissioner be authorized to issue a demolition permit for 626 Barton Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

12. That the Building Commissioner be authorized to issue a demolition permit for 290 Lake Avenue North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

13. (a) That a loan increase of one thousand, eight hundred and sixty-four dollars ($1,864) to Peter and Gilberta Oliveira for improvements to 355 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $17,288. The interest rate is set at 2.38 per cent, amortized over ten years; and,

(b) That an increase in grant from the Barton Street Revitalization Fund in the amount of nine hundred and thirty-two dollars ($932) be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program.

14. (a) That approval be given to application CDM-97-01 (Regional File 25CDM-97002), The Bungalows at Chedoke Limited Partnership, owner, to establish a draft plan of condominium "Bungalows at Chedoke", located south of Chedmac Drive and west of Rice Avenue and known municipally as 60 Rice Avenue, as shown on the attached map marked as Appendix "I", subject to the following conditions:

(i) That this approval apply to the plan prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated January 27, 1997, showing a total of 41 residential townhouse units; and,

(ii) That the Final Plan of Condominium be in conformity with the Site Plan approved on April 27, 1995 under application DA-94-33; and,

(iii) That the applicant satisfy all conditions of Site Plan application DA-94-33 to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium; and,

(iv) That the following warning clause be registered on title for Units 15 - 28 inclusive, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised there is a Laundry facility located to the west of this property which services a number of hospitals."; and,

(v) That the following warning clause be registered on title for Units 1, 2, 3, 4, 5, 6 and 41, to the satisfaction of the Director of Planning and Development and City Solicitor:

"This unit has been fitted with forced air heating with rough-in provisions made to accommodate central air conditioning at a later date (Note: air cooled condensing unit shall be located in a noise insensitive area)."; and,

(vi) That the owner(s) enter into a Joint Sewer Service Agreement for the shared services (storm and sanitary sewers) with the Region, to the satisfaction of the Commissioner of the Regional Environment Department for Phase 1 of the Plan of Condominium or that the owner provide proof that private easements have been Registered on Title in favour of the remaining lands in order to provide for sewer servicing and vehicular as well as pedestrian access for the future second phase of development; and,

(vii) That the owner provide proof, to the satisfaction of the Director of Planning and Development and the City Solicitor, that private easements have been Registered on Title in favour of the remaining lands in order to provide for vehicular as well as pedestrian access for the future second phase of development; and,

(viii) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,

(ix) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

15. (a) That approval be given to application CDM-97-03 (Regional File 25CDM-97004), Dicon Development Inc., owner, to establish a draft plan of condominium "Tiffany Creek", located west of Upper Paradise Road and known municipally as 1000 Upper Paradise Road, as shown on the attached map marked as Appendix "J", subject to the following conditions:

(i) That this approval apply to the plan prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated April 3, 1997, showing a total of 32 residential townhouse units; and,

(ii) That the Final Plan of Condominium be in conformity with the Site Plan approved on February 17, 1997 under application DA-96-28; and,

(iii) That the applicant satisfy all conditions of site plan approval to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium; and,

(iv) That the following warning clause be registered on title, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised that individual garbage removal by the City of Hamilton will not be available for this site." and,

(v) That the following warning clause be registered on title for Units 2 - 6, inclusive and Units 16 - 18, inclusive, to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the rear amenity area is provided through the living area of the unit."; and,

(vi) That final approval of the Plan of Condominium not be given until such time as:

(1) By-law No. 96-173 has been finalized;
(2) Development Agreement DA-96-28 has been finalized; and;
(3) That all conditions of Land Severance B-96-13 have been met and registered on title; and,

(vii) That the Condominium Corporation be required to enter into and register on title the Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement; and,

(viii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,

(b) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

16. (a) That approval be given to Part Lot Control Application 96-03, 100 Main Street East Ltd., owner, to remove part-lot control for Lots 67 to 78, inclusive, located in "Rymal Estates", to permit the creation of 11 lots from the existing 12 lots, as shown on the attached map marked as Appendix "K"; and,

(b) That the appropriate By-law, to remove part lot control from Lots 67 to 78 inclusive, Registered Plan 62M-679, "Rymal Estates" plan of subdivision, be enacted by Council; and,

(c) That the exempting By-law be restricted to a 1 year effective time period to expire on July 1, 1998; and,

(d) That the exempting By-law not be forwarded to Council for adoption until such time as the applicant/owner has entered into a Service Agreement with the Region of Hamilton-Wentworth or has revised the original engineering drawings for "Rymal Estates" subdivision to the satisfaction of the Regional Environment Department; and,

(e) That following the enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

17. (a) That the City of Hamilton advise the Ministry of Municipal Affairs and Housing the City of Hamilton supports the removal of certain lands within the City of Hamilton, as shown on the attached map marked as Appendix "L", from the Parkway Belt West Plan as proposed in Amendment No. 125.

(b) That the City Clerk be requested to forward City Council's decision to support Parkway Belt West Plan Amendment No. 125 to the Regional Clerk.

18. (a) That approval be granted to application CDM-CONV-97-001 submitted by Jose da Silva, Manuel DeJesus, and Pasqualina Pagliccia, owners, for a draft plan of condominium for property located at Nos. 914 Mohawk Road East to provide for a condominium comprised of 16 two bedroom townhouse units to condominium units, subject to the following conditions:

(i) That this approval applies to the draft plan dated July 2, 1996 prepared by Bryan Jacobs, O.L.S.; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan,

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-96-002); and,

(v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required; and,

(b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,

(c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

19. That Item 2B of the Ninth report of the Planning and Development Committee for 1997 regarding an Official Plan Amendment and ZAC-97-08 for property at Upper James Street and West Fifth Street - list of specific uses for Block 1, be amended by adding the following use to Section 2.b.(f)(i) as Subclause:

"7) wall signs in accordance with the provisions of Section 13A(1)(x) of Zoning By-law 6593."

20. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) C-34 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 412 Aberdeen Avenue.

(b) C-35 A By-law to Adopt Official Plan Amendment No. 139 Respecting Lands Located at 412 Aberdeen Avenue Within the Kirkendall North Neighbourhood.

(c) C-36 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 89-246 Respecting Land Located at the South-west Corner of Rymal Road East and Ryckman Street Known Municipally as No. 30 Rymal Road West.

(d) C-37 A By-law to Adopt Official Plan Amendment No. 138 Respecting Lands Located at the South-west Corner of Rymal Road East and Ryckman Street Known Municipally as No. 30 Rymal Road East Within the Allison Neighbourhood.

(e) C-38 A By-law to Adopt Official Plan Amendment No. 140 Respecting Lands West of Upper James Street, South of Stone Church Road West, Mewburn Neighbourhood.

(f) C-39 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at the Rear of Municipal Nos. 1170-1180 Upper James Street.

(g) C-40 A By-law to Remove Land Within the "Rymal Estates" Subdivision, Plan 62M-679 from Part Lot Control.

(h) C-41 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located on the North Side of Barton Street West, East of Crooks Street.

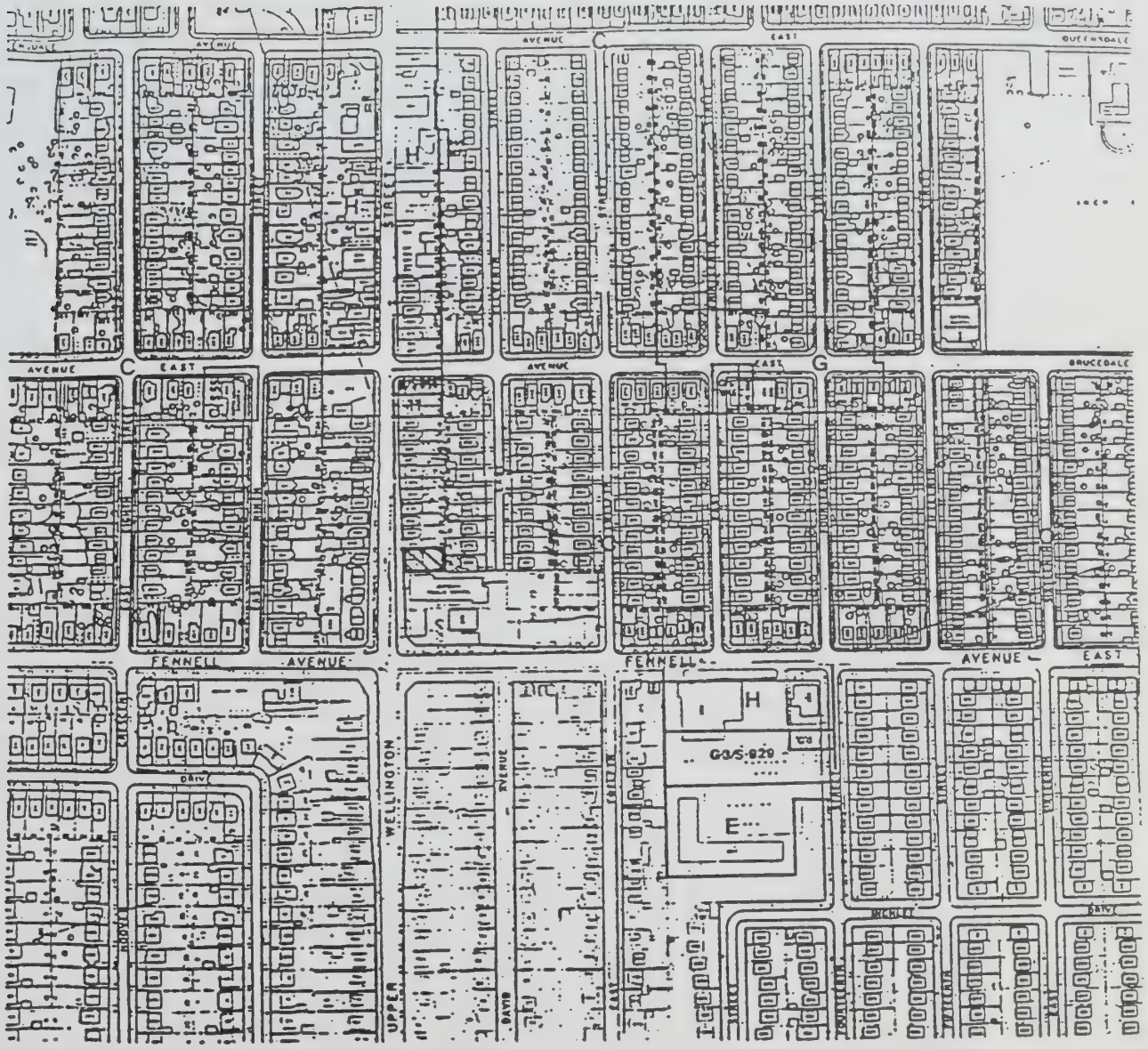
(i) C-42 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located West of Upper James Street and East of West Fifth Street, the Rear Portion of 1187 West Fifth Street and 1514 Upper James Street and 1468-1500 Upper James Street.

(j) C-43 A By-law to Adopt the Downtown Hamilton Community Improvement Plan.

Respectfully submitted,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

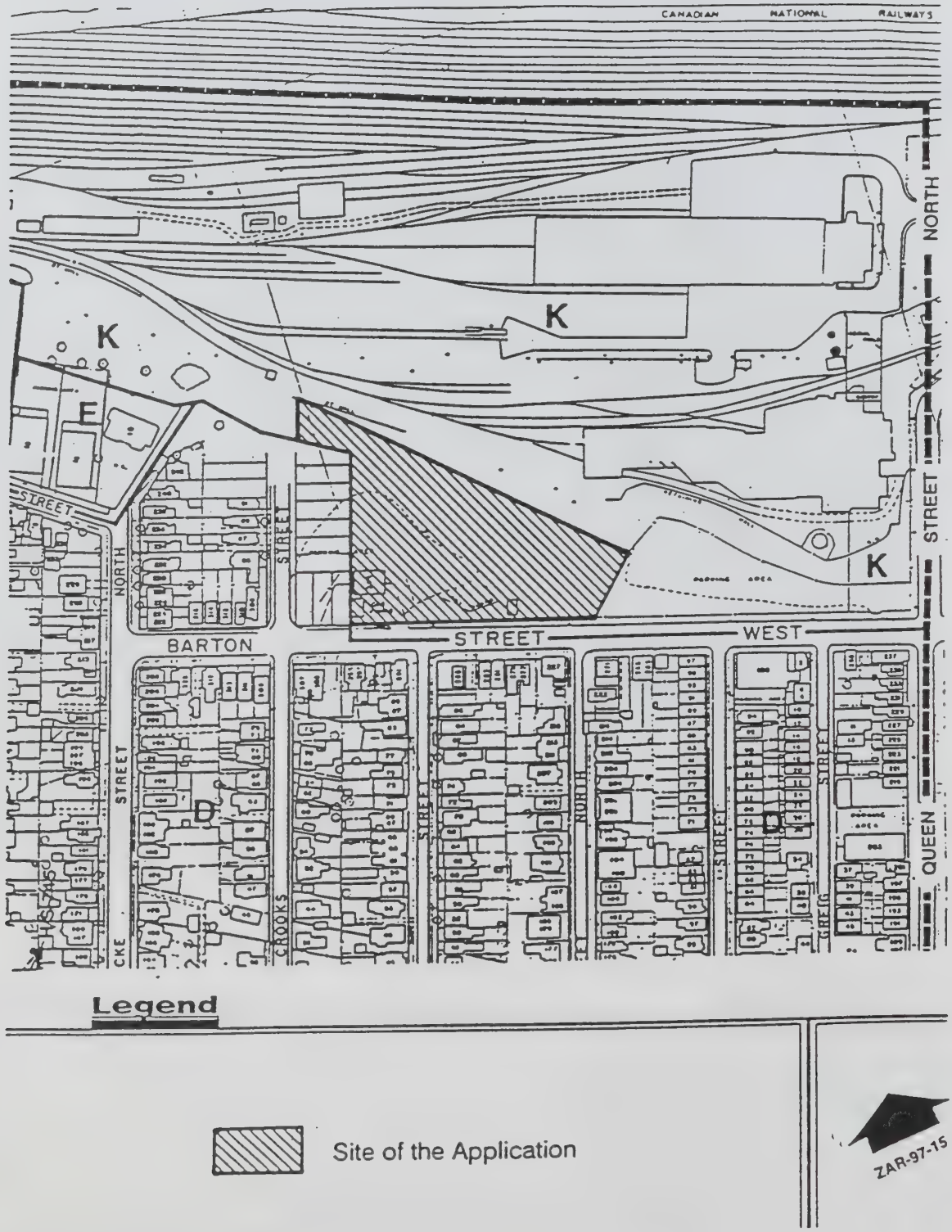
Tina Agnello, Secretary
1997 June 18

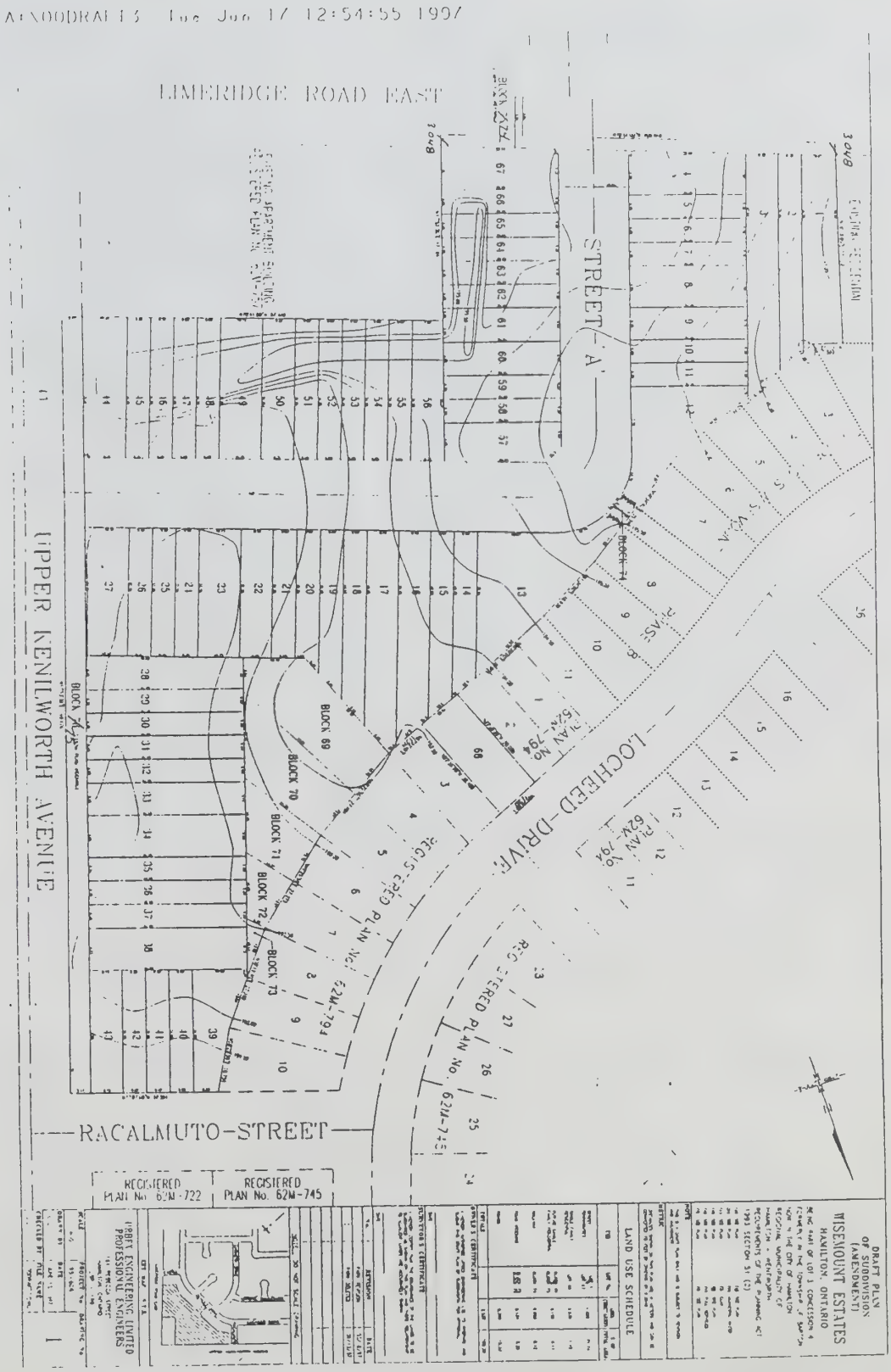


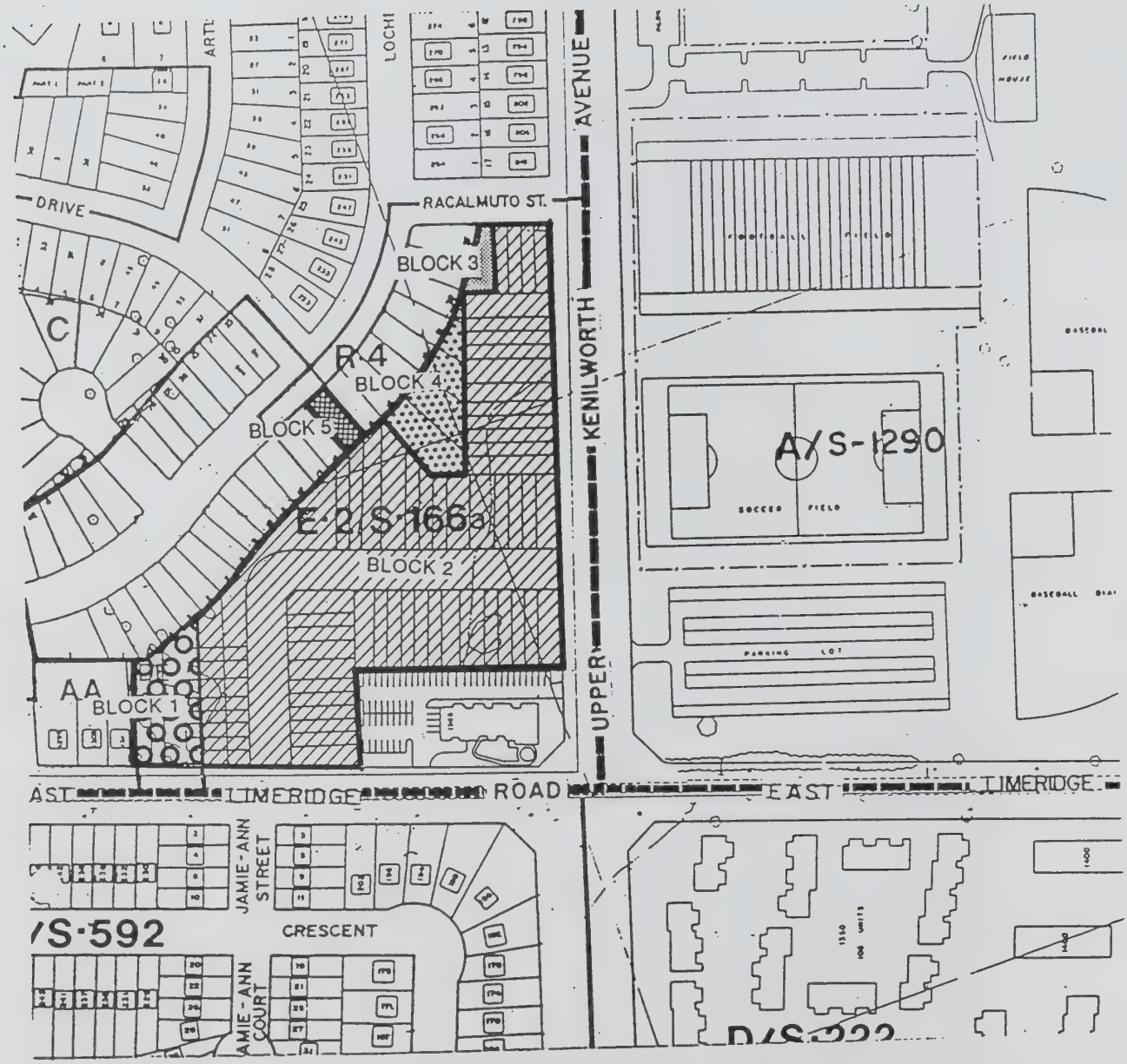
Legend

Site of the Application

ZAC-97-1


CANADIAN NATIONAL RAILWAYS
K
K
K
E
D
D
NORTH STREET
STREET
BARTON STREET WEST
QUEEN STREET
Legend
Site of the Application
ZAR-97-15


LIMERIDGE ROAD EAST
STREET 'A'
UPPER KENILWORTH AVENUE
LOCHFEED DRIVE
RACALMUTO STREET
REGISTERED PLAN No. 62M-722
REGISTERED PLAN No. 62M-745
REGISTERED PLAN No. 62M-794
REGISTERED PLAN No. 62M-715
BLOCK 69
BLOCK 70
BLOCK 71
BLOCK 72
BLOCK 73
DRAFT PLAN OF SUBDIVISION (AMENDMENT)
WISEMOUNT ESTATES
HAMILTON, ONTARIO
LAND USE SCHEDULE



Legend CHANGE IN ZONING :

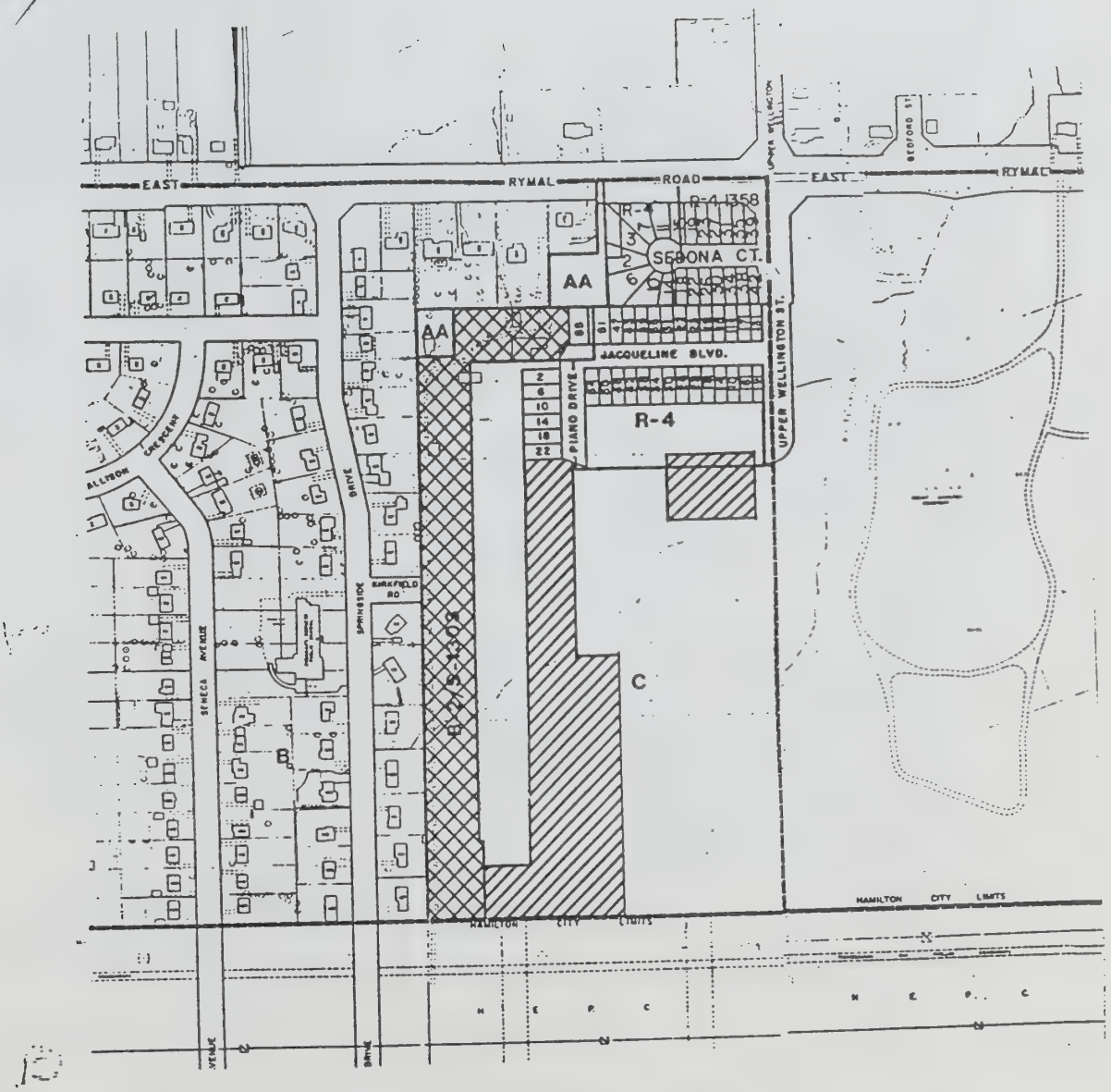
BLOCK 1	From "DE-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District modified
BLOCK 2	From "E-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District modified
BLOCK 3	From "E-2" (Multiple Dwellings) District, modified to "RT-30" (Street - Townhouse) District modified
BLOCK 4	From "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single Family) District
BLOCK 5	From "E-2" (Multiple Dwellings) District, modified to "R-4" (Small Lot Single Family) District

Reference File No.
ZAC-97-07

Drawn By	Date
W. B.	Jun 1997

Scale
Not to Scale

North



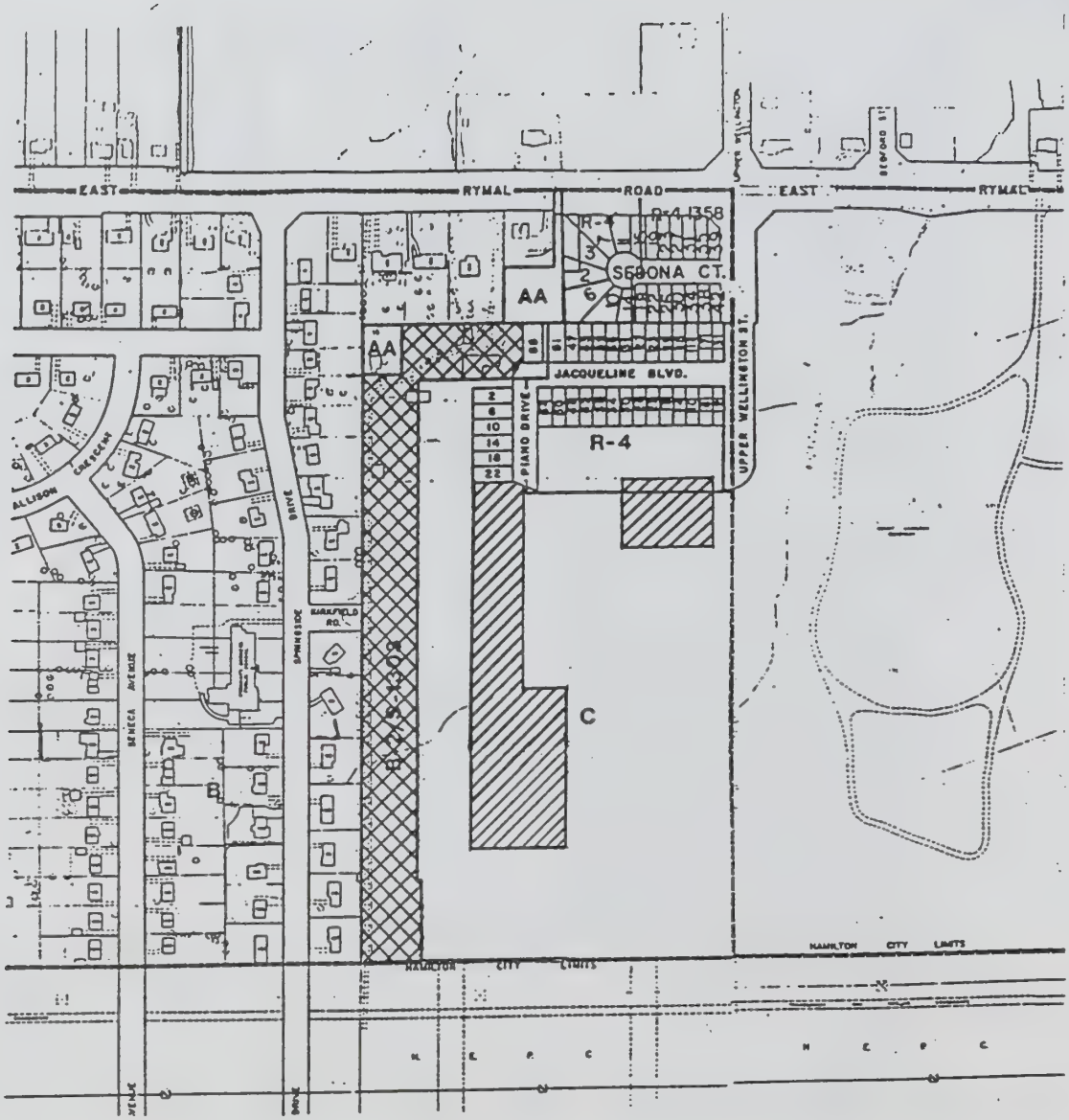
Legend

Proposed change in zoning from:

BLOCK 1 — " C " (Urban Protected Residential, etc.) District to" R-4" (Small Lot Single Family Dwelling) District

BLOCK 2 — Further Modification to " B-2 " (Suburban Residential) District

ZAC- 97 - 0



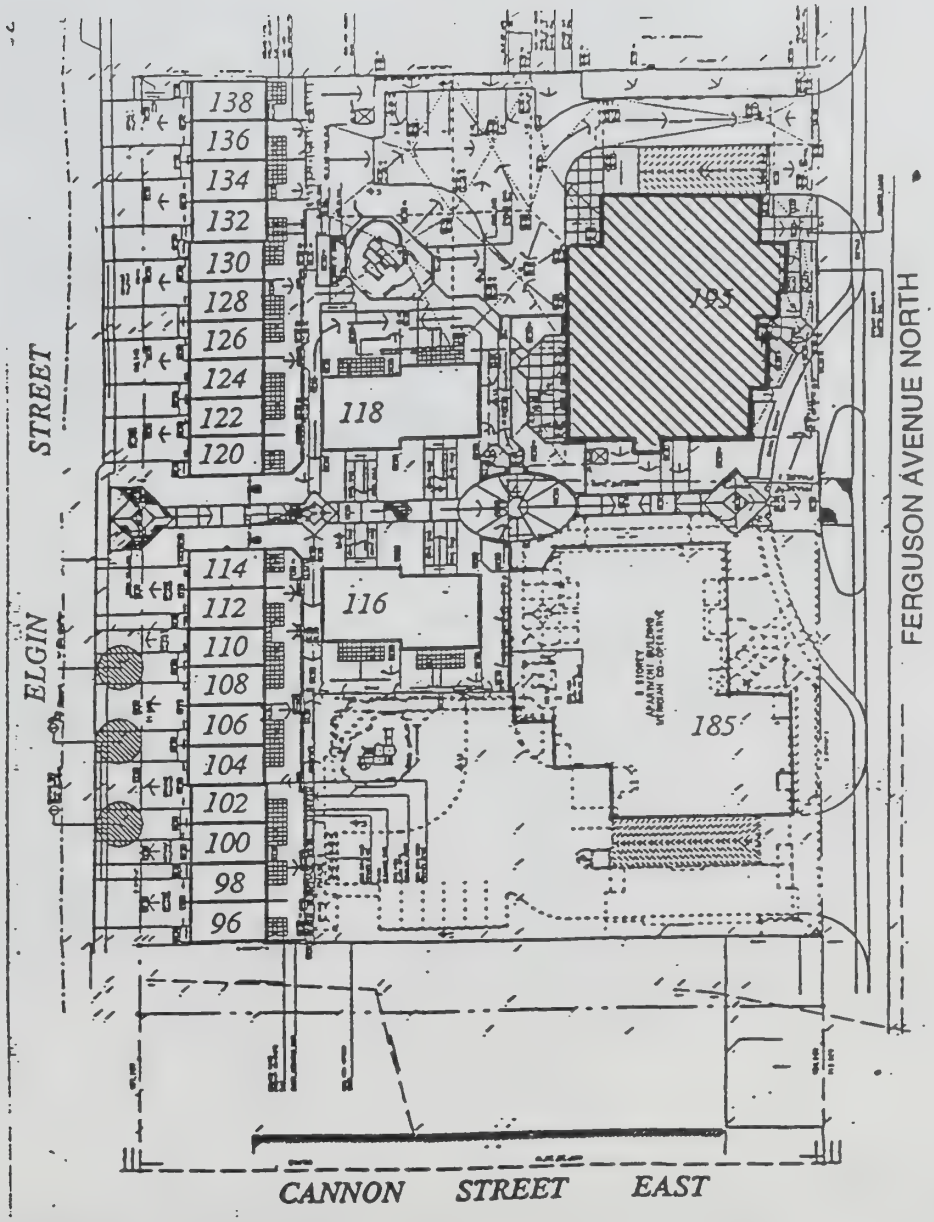
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Change in Zoning from :

Block 1 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District

Block 2 — Further Modification to "B-2" (Suburban Residential) District

Reference File No	
ZAC-97-05	
Drawn By	Date
W. B.	May 199
Scale	
Not to Scale	
North	



Legend

Site of the Application

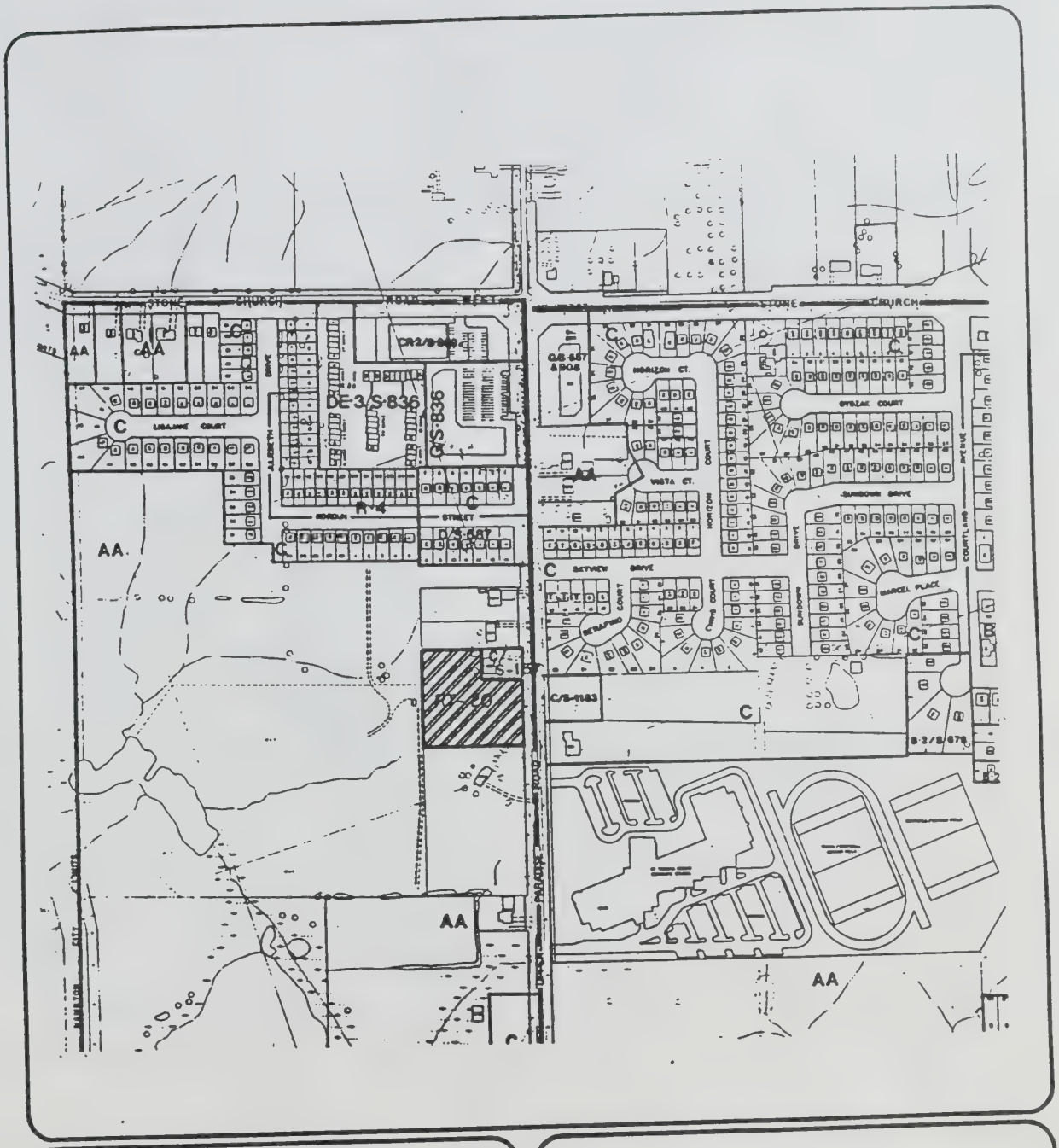
ZAC-97-09



Legend

Site of the Application

Reference File No	
CDM-97-01	
Drawn By	Date
S.H.	May199
Scale	
Not to Sc.. e	
North	



City of Hamilton

Location Plan For

1000 Upper Paradise

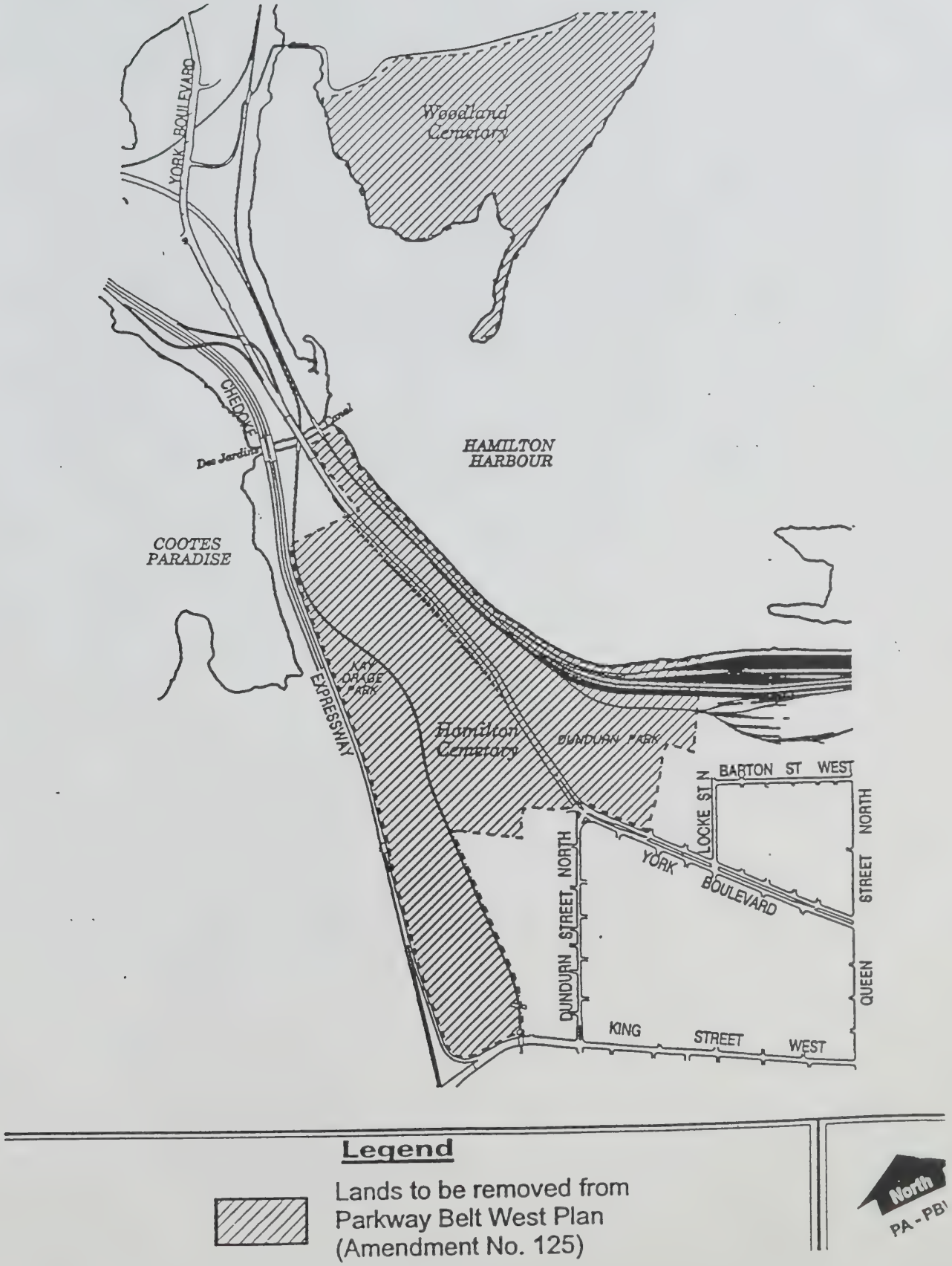
Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM-97-03
	Date	Drawn By
	June 1997	FAB


R4
ADELE COURT
BENVENUTO CRESCENT
BENVENUTO CRESCENT
C
R-4 S-119
LYNNETTE DRIVE
CLAUDETTE GATE
CLAUDETTE GATE
DRIVE
SPADARA
PHILOMENA DRIVE
BLOCK 141
LYNNETTE DRIVE
O/S 1195a
Legend
Site of the Application
PLC-96-0


Woodland Cemetery
YORK BOULEVARD
CHEDOKE
Des Jardins Canal
HAMILTON HARBOUR
COOTES PARADISE
EXPRESSWAY
KAY LORAGE PARK
Hamilton Cemetery
DUNDURN PARK
BARTON ST WEST
LOCKE ST N
YORK BOULEVARD
DUNDURN STREET NORTH
STREET NORTH
QUEEN
KING STREET WEST
Legend
Lands to be removed from
Parkway Belt West Plan
(Amendment No. 125)
North
PA-PB1

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FOURTEENTH** Report for 1997 and respectfully recommends:

1. (a) That the 160th Birthday Programme for the Hamilton Farmers' Market as submitted by the Hamilton Farmers' Market Stallholders Association, and attached herewith as Appendix "A" be endorsed; and,

   (b) That the Council of the Regional Municipality of Hamilton-Wentworth be requested to erect a series of signs at various strategic entry points into the City of Hamilton to promote and provide directions to Downtown Hamilton and the Hamilton Farmers' Market; and,

   (c) That City Council express its support for a mutual aid arrangement with the Hamilton Street Railway for free bus passes to Downtown Hamilton and the Hamilton Farmers' Market.

2. That the City Solicitor be authorized to retain and instruct outside Counsel to provide a Defence, for the individual Defendants, Joseph Ricottone, Al Vandenakker, Michael Horvath and Len Martin, for City of Hamilton, et al. -ats- Allen, in Ontario Court (General Division) Action # 97-CU-123529 pursuant to the City's Indemnification By-law #91-089. (Source of Funding Account No. CH-55428-44001)

3. (a) That the City resolve Ontario Court (General Division) Action # 4094/87 by the payment to the Plaintiffs, Anne Foster, Robert Foster, Kyle Foster, Joshua Foster and Steve Foster of the sum of $3000, inclusive of all claims for damages, interest and costs; and,

   (b) That the Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

   (c) That Ontario Court (General Division) Action # 4094/87 and all Crossclaims and Counterclaims within the action be dismissed without costs.

4. (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 10098/97 by the payment to the Plaintiff, Paul Kebic, of the sum of $1,587.78, and by payment to the Co-Plaintiff, Steven Klotz, of the sum of $541.42, inclusive of all damages, interest and costs; and,

(b) That the Plaintiff and Co-Plaintiff both be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

(c) That Ontario Court (General Division) Small Claims Court Action No. 10098/97 be dismissed without costs.

5. (a) That approval be given to issue a purchase order in the amount of $274,552.37 inclusive of G.S.T. ($17,961.37) and inclusive of a contingency ($25,000) to commission Trio Roofing Systems Inc. of Toronto, for the replacement of the 2nd floor roof at City Hall, being the lowest price of eight quotations received in accordance with the specifications (Ref: C15-14-97) issued by the Purchasing Division; and,

(b) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor; and,

(c) That the expenditure be financed from Capital Fund Account - City Hall Roof Replacement Phase 2 - CF 319741035 ($300,000).

6. (a) That approval be given to issue a purchase order in the amount of $160,126.45 inclusive of G.S.T. ($10,475.56) to commission Cahill Electric Limited of Ancaster for the replacement of the fire alarm system at the Central Library being the lowest price of four quotations received in accordance with the specifications (Ref: C15-1597) issued by the Purchasing Division; and,

(b) That the Mayor and City Clerk be authorized to execute a contract in a form satisfactory to the City Solicitor; and,

(c) That the expenditure be financed from Capital Fund Account - Library - Replace Fire Panel/P.A. System - CF319651024 ($169,000).

7. That the City Treasurer be directed to close the following capital project accounts with any excess funding to be transferred to its original source of financing.

Capital Centre Number	Project Description	Authorized Gross Cost	Expended/ Committed To Date	Balance Available	Source(s) of Financing
a) 319341005	Major Maintenance to Civic Buildings	$350,000.00	$349,914.06	$85.94	DEB
b) 319441011	Main & Norfolk Fire Station - Mechanical/Electrical Retrofit	100,000.00	99,917.57	82.43	RCP
c) 319441014	Mountain Composite Building-Roof Replacement	65,000.00	0.00	65,000.00	DEB
d) 319541002	C.U.P. - Capital Replacements	70,000.00	69,930.35	69.65	Capital Levy
e) 319541003	Energy Management Projects	200,000.00	199,822.01	177.99	Capital Levy
f) 319541005	Mountain Arena - Roof Replacement	410,000.00	207,672.95	202,327.05	RCP
g) 319541009	Lawfield Arena - Roof Replacement	155,000.00	146,833.34	8,166.66	RCP
h) 319541010	Replace Carpeting - Regional Offices in City Hall	142,000.00	117,565.57	24,434.43	Capital Levy
i) 319641022	Energy Management Projects	111,000.00	110,910.22	89.78	Capital Levy
j) 319641028	Dundurn Castle - Hot Water Boiler System Renovations	126,000.00	125,970.98	29.02	RCP
k) 319651025	Copps Coliseum - Overhaul of Refrigeration & Air Conditioning Equipment	228,000.00	228,000.00	0.00	Capital Levy
		TOTAL		$300,462.95	

8. That a purchase order be issued to Sheridan Equipment, Grimsby, in the amount of $98,242.20, including all applicable taxes and trade-in, for the replacement of two (2) Tractor/Loaders Units #9511 and 9530 for Fleet Services, being the lowest tender received in accordance with specifications issued by Purchasing and Vendor's Tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X503 00101.

9. That a purchase order be issued to Holland Chevrolet, Oldsmobile Ltd., Burlington, in the amount of $109,244.25, including all applicable taxes, for the replacement of five (5) mid-size, four door sedans Units #1491, 1492, 1493, 1494 and 1496 for Fleet Services, being the lowest tender received in accordance with specifications issued by Purchasing and Vendor's Tender, and be financed through the Reserve for Mobile Equipment Account No. CH5X501 00101.

10. (a) That in accordance with the Development Agreement amended as of 1994 February 3, that the City release DeSantis Group Inc. from the registered agreements, development covenants and Site Plans registered on title of its parking lot at the south/west corner of Main Street East and Hughson Street South; and,

    (b) That the Mayor and City Clerk be authorized and directed to execute the said releases in a form satisfactory to the City Solicitor.

11. (a) That the City Treasurer be authorized to transfer the excess debenture proceeds of $52,048.85 from Concession Library Expansion project, Account Centre No. CF 919241005 (O.M.B. No. E920410 dated 1992 July 6 and City By-Law No. 92-219) to 1996 Roads and Sidewalk Reconstruction Program, Account Centre No. CF 529642001 (City By-Law No. 96-050); and,

    (b) That the City Solicitor be authorized to revise the City By-Law No. 97-033 to cancel the debenture authorization remaining for the Co-Generation project in the amount of $1,264,000, Account Centre No. CF 809453006 and the balance of expenditure remaining in the account in the amount of $386,815.27 be financed by a transfer of funds from the Reserve for Debt Charges, Account Centre No. CH 00108; and,

    (c) That the City Treasurer be authorized to transfer $46,900 from the Reserve for Debt Charges, Account Centre No. CH 00108 to complete the financing of Parks Development Project, Account Centre No. CF 629154004.

12. (a) That Mr. Wesley Shoemaker be appointed the Fire Chief for the Corporation of the City of Hamilton effective Monday, 1997 June 30; and,

    (b) That Acting Fire Chief Gil Desjarlais return to the position of Deputy Chief of the Hamilton Fire Department, effective 1997 June 30, at his former rate of pay.

13. That the 1997 Annual Reserve and Reserve Funds Report, previously forwarded to all members of City Council, and available from the Committee Secretary upon request, be received.

14. (a) (i) That the City establish a policy of internal financing of capital projects to replace external debt financing through the transfer of funds from capital reserves; and,

(ii) That the policy be established at a range between the 5-10 year amortization at a rate of 25 basis points above the respective Canada Bond Rate; and,

(iii) That the internal financing be based on the availability of funds from the Capital Reserves to be reviewed annually by the City Treasurer and authorized annually by City Council; and,

(b) That the City Treasurer be authorized to finalize internal financing arrangements in the total amount of $9,000,000 through a transfer of funds from the Reserve for Replacement of Mobile Equipment, Account Centre No. CH 00101 to the various work-in-progress accounts as outlined in the Schedule attached herewith as Appendix "B", to be repayable over a period of five years based on a 5 year Canada Bond Rate as at 1996 December 31, plus 25 basis points (5.73%); and,

(c) That the City Treasurer be authorized to repay the annual principal and interest charges out of the Current Budget Provision for Capital Financing, Account Centre No. CH 21102 by crediting the Reserve for Replacement of Mobile Equipment, Account Centre No. CH 00101; and,

(d) That the City Solicitor be authorized to revise the appropriate by-law for each capital project, noted in the Schedule attached as Appendix "B", to reflect a reduction in the corresponding debenture authority by the amount of reserve transfer noted in the Schedule attached herewith as Appendix "B", column (10); and,

(e) That the Schedule attached herewith as Appendix "C" form part of the internal financing arrangement schedule, noted above in the amount of $9,000,000; and,

(f) That the City Treasurer be authorized to finalize internal financing arrangements for the owners' share of local improvements through a transfer of funds from the Reserve for Debt Charges, Account Centre No. CH 00108 to be authorized over a period of 15 years for:

(i) Accounts previously closed in 1995 and rated in 1996 in the amount of $43,818.33 at the rate of 9.25% per the Schedule attached herewith as Appendix "D"; and,

(ii) Accounts previously closed in 1996 and rated in 1997 in the amount of $219,116.74 at the rate of 7.00% per the Schedule attached herewith as Appendix "E"; and,

(g) That the City Treasurer be authorized to recover the local improvement costs (repayment of annual instalments) through the tax roll and credit the proceeds to a budgeted revenue account and to provide for the annual instalments in the current budget through a transfer to the Reserve for Debt Charges.

15. (a) That the firm of MacGillivray Partners, Chartered Accountants, be continued as municipal auditor for the City of Hamilton, including its Local Boards, Hamilton Entertainment and Convention Facilities Inc., Hamilton Hydro Electric System, Canusa Games, the Canadian Football Hall of Fame and Museum, Hamilton Housing Company Limited, The Municipal Non-Profit (Hamilton) Housing Corporation, Hamilton Municipal Retirement Fund, The Hamilton and Scourge Foundation, Inc., and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton for the year 1997 at a fee of $113,000 including completion of the audit of the City's Financial Report, but excluding G.S.T.; and,

(b) That a by-law respecting "To Appoint An External Auditor" be approved by City Council; and,

(c) That the City Treasurer be directed to issue a Request for Proposal for external Audit Services for a period of up to five years, commencing in 1998 for the City of Hamilton, Local Boards, the Hamilton Hydro Electric System, and affiliated organizations.

16. That as referred to in Section 35 of the Seventh Report for 1997 of the Transport and Environment Committee,

(a) That the City Treasurer be authorized to incorporate the cost of Retaining Wall Reconstruction Proposal - Jackson Street West Rear of Wesanford Place in the amount of $150,000 as a part of the approved 1997 Capital Budget; and,

(b) That the cost of Retaining Wall Reconstruction Proposal - Jackson Street West Rear of Wesanford Place, in the amount of $150,000 be financed from the Reserve for Capital Project, Account Centre No. CH 00203; and,

(c) That staff be directed to review and consider the 1998 Capital Forecast during 1998 Capital Budget deliberations in order to stay within the guidelines approved by Council 1997 March 18.

17. That as referred to in Section 42 of the Seventh Report for 1997 of the Transport and Environment Committee,

    (a) That an estimated cost for expenditures necessary to obtain draft plan approval for the development of "Albion Mills Estates" land in the amount not to exceed $23,800 be funded temporarily from the Reserve for Services Through Unsubdivided Lands, Account Centre No. CH 00107; and,

    (b) That the City Treasurer be authorized to reimburse the above reserve from the proceeds of the sale of the "Albion Mills Estates" land.

18. (a) That an Offer to Purchase Agreement, duly executed by 1140532 Ontario Inc. (Angelo Papastamos) on 1997 May 26 and scheduled to close on or before 1997 August 15, for the lands municipally described as 253-257 Kenilworth Avenue North, being Lots 45, 46 and 47, Block W, Registered Plan No. 395, Hamilton, having a frontage of 22.86 metres (75.0 feet) more or less, along the west side of Kenilworth Avenue North and a depth of 30.48 metres (100 feet) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $60,000, less commission, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,

    (b) That the required deposit cheque in the amount of $6,000 be held by the City Treasurer pending Council approval; and,

    (c) That upon successful completion of this sale, a real estate commission of 6% on the $60,000 sale price be paid to Royal LePage Commercial Inc. (Sales Representative Stephen Green), who acted in this matter; and,

    (d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor; and,

    (e) That in accordance with Real Property Sales Procedural By-law No. 95-049:

        (i) Satisfactory notice has been given to the public of the intended sale; and,

        (ii) An appraisal of the fair market value of the real property intended to be sold was obtained; and,

        (iii) The City Clerk be authorized and directed to execute (and issue) a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

19. (a) (i) That an Offer to Purchase (Tender Form), duly executed by 852904 Ontario Inc. (Sam Bono, President) on 1997 June 2 and scheduled to close on or before 1997 July 16, for the lands municipally described as 8 Brantdale Avenue, being Part 2, Plan 62R-14012, having a frontage of 9.144 metres (30 feet) more or less, by a depth of 30.48 metres (100.0 feet) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of $21,000 be credited to Account Centre 00202 (Parking Authority Offstreet Reserve); and,

(ii) That the required deposit cheque in the amount of $2,100 be held by the City Treasurer pending Council approval; and,

(iii) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor; and,

(iv) That in accordance with Real Property Sales Procedural By-law No. 95-049:

(1) Satisfactory notice has been given to the public of the intended sale; and,

(2) An appraisal of the fair market value of the real property intended to be sold was obtained on the 15th day of April 1997; and,

(3) The City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

(b) (i) That an Offer to Purchase (Tender Form), duly executed by Sam Bono Enterprises Ltd. on 1997 June 2 and scheduled to close on or before 1997 July 16, for the lands municipally described as 10 Brantdale Avenue, being Part 1, Plan 62R-14012, having a frontage of 9.327 metres (30.6 feet) more or less, by a depth of 30.48 metres (100.0 feet) more or less, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and funds derived from this sale of $23,000 be credited to Account Centre 00202 (Parking Authority Offstreet Reserve); and,

(ii) That the required deposit cheque in the amount of $2,300 be held by the City Treasurer pending Council approval; and,

(iii) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,

(iv) That in accordance with Real Property Sales Procedural By-law No. 95-049:

(1) Satisfactory notice has been given to the public of the intended sale; and,

(2) An appraisal of the fair market value of the real property intended to be sold was obtained on the 15th day of April 1997; and,

(3) The City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

20. (a) That City owned vacant land, known as 125 Birmingham Street, Hamilton consisting of .531 acres, be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049; and,

(b) That an Offer to Purchase, duly executed by Air Liquide Canada Inc. (ALC) on 1997 May 1 and scheduled to close on or before 1997 June 27, for the land illustrated as Part 1 on Reference Plan 62R-5666, fronting on the western limit of Birmingham Street, comprising .531 acres and known as 125 Birmingham Street, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $42,480 be credited to Account No. 22302 00001 (Suspense Account); and,

(i) That this Offer be accepted subject to several conditions set out in the said Offer, including the following conditions and the conditions referenced in Appendix "F", herewith attached:

(1) Completion of this Agreement by ALC be conditional upon ALC and Stelco entering into and completing an agreement of purchase and sale pursuant to which Stelco conveys to the ALC the lands referred to municipally as 860 Burlington Street East, Hamilton, the parcels outlined in red on the sketch attached to the Agreement; and,

(2) Completion of the sale by the City be conditional upon:

(a) Stelco releasing the City in a form, and upon terms satisfactory to the City, from any obligation or agreement between Stelco and the City under which the City had previously agreed to sell the land to Stelco; and,

(b) The City and Stelco entering into a written amending agreement to modify the terms of the Industrial Drive Land Exchange Agreement to take into account the sale of the land from the City to ALC; and,

(ii) That the required deposit cheque in the amount of $4,248 be held by the City Treasurer pending Council approval; and,

(iii) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor; and,

(iv) That in accordance with Real Property Sales Procedural By-law No. 95-049:

(1) Satisfactory notice has been given to the public of the intended sale; and,

(2) An appraisal of the fair market value of the real property intended to be sold was received on 1997 June 17; and,

(3) The City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

21. (a) That approval be given to Cogeco Cable Solutions (formerly Rogers Cablesystems) to construct, maintain and operate underground cable network, and one 2'-7" x 4' equipment pedestal on that portion of the City owned property upon which Hamilton Place is situate, more particularly being along the eastern wall of the building (Macnab Street) 30' north of Main Street West; and,

(b) That an agreement between The Corporation of the City of Hamilton and Cogeco Cable Solutions be entered into, in a form satisfactory to the City Solicitor, prior to the commencement of the cable and equipment pedestal, installation; and,

(c) That the installation on the City property be performed to the satisfaction of the Manager of Real Estate Division, City Clerk's Department; and,

(d) That the term of the agreement be at the sole pleasure of City Council and cancellable upon 90 days written notice to Cogeco Cable Solutions; and,

(e) That Cogeco Cable Solutions be required to pay for the City's reasonable administrative costs incurred in the course of arranging this agreement, together with the City's reasonable legal expenses; and,

(f) That Cogeco Cable Solutions shall pay to the City as consideration for the privilege of occupying City owned property, the sum of $100 per annum; and,

(g) That the Mayor and City Clerk be authorized to execute this agreement on behalf of the City.

22. That approval be granted for the hosting of a reception to be held on Monday 1997 August 4, at 7:00 o'clock p.m., by the City of Hamilton, for the 1997 World Junior Bridge Team Championship at a cost of $2,068, to be charged to Account No. CH54314-84010 Special Civic Receptions and Delegation Hosting.

23. That approval be granted for the hosting of a luncheon reception for the Mount Olive Lodge No. 1 Free and Accepted Masons (Prince Hall) Warranted A.D. 1852. A.L. 5852, Hamilton, Ontario, by the Mayor at the Ramada and Howard Johnson Hotel for an estimated cost of $2,500, to be charged to Account No. CH54314-84010 Special Civic Receptions and Delegation Hosting.

24. That approval be granted for the co-sponsoring of the 65th Annual Conference of the Police Association of Ontario Reception/Opening Ceremonies on Sunday 1997 August 10, at 9:00 o'clock a.m., by the City of Hamilton for an estimated cost of $635 to be charged to Account No. CH54314-84010 Special Civic Receptions and Delegation Hosting.

25. (a) That the Commissioner of Public Works and Traffic be authorized to reconstruct additional sidewalks on a City-wide basis in 1997 at a cost not to exceed $1,200,000; and,

(b) That the City Treasurer be authorized to incorporate the cost of an additional Sidewalk Reconstruction program on a City-wide basis in the amount of $1,200,000 as a part of the approved 1997 Capital Budget, and that the cost be financed from the Reserve for Capital Projects, Account Centre No. CH 00203; and,

(c) That staff be directed to review and recommend replenishment of the Reserve for Capital Projects, Account Centre No. CH 00203 out of the year end surplus, if available.

26. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) D-40 A By-law to Amend Schedule 4 of Licensing By-law No. 93-069 Respecting: Taxi-Cab Brokers.

(b) D-41 A By-law to Amend: By-law No. 91-105 Respecting: Improvements to the Fire Department Radio System.

(c) D-42 A By-law Respecting: Appointment of an External Auditor.

(d) D-43 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

Susan K. Reeder
Secretary
1997 June 17

Appendix "A" referred to in Section 1 of the FOURTEENTH Report of the Finance and Administration Committee for 1997

1837 - 1997

A

REQUEST

to

HAMILTON CITY COUNCIL

from

THE HAMILTON FARMERS' MARKET STALLHOLDERS' ASSOCIATION

on the

160th. ANNIVERSARY

of the

HAMILTON FARMERS' MARKET

May 1997, ADRS

Q: WHY THE REQUEST?

A: 2,000,000 People a year is valuable to the downtown.

"The Hamilton Farmers' Market is more valuable to the stability and well-being of the downtown core than is generally recognized".

The market is an anchor and a centre for a special type of human contact and communication. After 160 years, it remains a constant focal point for thousands of Hamilton's citizens and a wonder to many visitors.

It has always been a meeting place. The market is a social institution. It is one place were you are just as likely to bump into an old friend you haven't seen for years or a new acquaintance you were talking to only the other day.

The market draws people to the core. It is one reason for people to visit or live in the downtown. Not only for practical reasons, but for something more intangible. The market helps define the spirit, friendliness, and vitality that makes living in a city exciting. It is one of the elements that creates economic activity.....***but more importantly spins off a host of other contributions towards city life.***

The Hamilton Farmers' Market is more than a commercial supermarket.

The market:
- is Canada's largest indoor market
- is a Hamilton tradition
- is of historical significance
- brings the community together
- provides unique personalized service
- helps makes the downtown a warmer, friendlier place
- provides ethnic diversity and interest
- is convenient for downtown living

In the document, ***"Strong Medicine....A Prescription for the Heart of Hamilton"*** many recommendations of a dynamic and aggressive nature are put forth. Several of these initiatives are totally compatible with the activities of the market. Opportunities exists to parlay the drawing power of the market and help improve the health of the downtown.

Section 2.6.1 of this document states as it's first objective:

> "To analyze the obstacles that stand in the way of meeting our collective objective of making the Downtown of Hamilton and of the Hamilton-Wentworth regional community a place where our community can ***"live, work, visit and play".***

ADRS

A COMMERCIAL AND SOCIAL INSTITUTION

The City of Hamilton principally, and the Region of Hamilton-Wentworth in specific ways, have provided massive investments in the downtown. The use of taxpayers' dollars for Copps Coliseum, Hamilton Place, the Convention Centre among others, are examples of the faith and confidence the City of Hamilton hold in the downtown. These are public facilities, providing much more than just a commercial return to the city. They provide a quality of life that is important to the community's health. They also produce beneficial customer traffic to the strictly commercial enterprises located in the downtown.

Jackson Square, Eaton's and the Sheraton Hotel partnerships with the City of Hamilton, came together by using a combination of public and private dollars. This is just a partial example of the effort to develop a healthy downtown.

In other areas, tax dollars are used to attract special events. Events may draw a few hundred people into the downtown or even several thousands for a couple of hours or a few days. For a variety of reasons, all this effort, to bring more people and presumably more dollars to be spent in the Hamilton-Wentworth region, is judged to be worthy.

Approximately ***2,000,000 people**** pass through the Hamilton Farmers' Market annually. Placed in context with the HECFI facilities: Copps Coliseum **650,000** - Hamilton Place **100,000** and the Convention Centre **180,000.** In total, the HECFI facilities draws under 1,000,000 people annually. It is clearly recognized that the HECFI facilities provide a real boost to the downtown. What is often forgotten is the market's role as a significant player promoting the health of the downtown.

It is the intent of this submission to persuade the City Council of Hamilton, and where required, the Regional Council of Hamilton-Wentworth and the appropriate reporting committees, the value of supporting the Farmers' Market.

As part of this year's 160th. Anniversary of the Hamilton Farmers' Market we are requesting the City Council to assist us with the celebrations. We want to continue to serve the citizens of Hamilton and welcome more out-of-town visitors to share the market experience. We are requesting Council's support in four specific areas. We believe, support for of the recommendations, will benefit the market, the downtown, and the City generally.

Attached is a outline of the program for the 160th. Anniversary of the Hamilton Farmers' Market.

* A market customer survey of market users was prepared by the Hamilton-Wentworth Planning and Development Department in 1988.

ADRS

RECOMMENDATIONS

#1 NO COST CONVENIENT PARKING

That the City of Hamilton re-organize the parking regulations along the south side of York Blvd., between Bay Street and James Street. Establish the maximum number of no-charge one and/or two hour on-street parking spaces along this stretch of York Blvd.....**or** in the alternative, construct lay-bys for parking. That the program remain in place and evaluated for a one year trial period. That a system of compassionate enforcement be implemented.

RATIONALE FOR RECOMMENDATION

Patrons of the market are limited in the amount of produce they can physically carry. The closer patrons are able to park near the market the more convenient it becomes. Most people who shop at the market can easily purchase all their produce in less than an hour. Free, nearby, turnover parking is believed to be an inducement for people to shop at the market. Eaton's and the nearby Jackson Square stores will also benefit from this recommendation. It is equally important to work at this parking problem to shore-up Eaton's business and the stores in Jackson Square.

DISCUSSION

We are aware such a recommendation is controversial.

In view of the state of our downtown, we believe ***strong medicine*** is required. Some will say such measures impede traffic flow, cause congestion, present a safety hazard, affect private parking lot operators and create enforcement problems. Our response to these concerns is to ask everyone to take a good look at York Blvd. It is a marvel of transportation efficiency. It moves traffic quickly and efficiently. Years ago York Street was congested. Old stores were full of people. The market square was a hectic sea of people, cars and farmers' trucks. Far too much congestion for a healthy downtown.

Take another look at York Street. The commercial vibrancy predicted for York Blvd. is slow to materialize. Many years after its completion few people would call it a promenade. The pall over Jackson Square and the recent scare with Eaton's, is yet another sign that we need ***strong medicine.*** No single factor may account for the current situation. But perhaps the sterile streetscape and the dominance of vehicular street traffic needs a change.

Eaton's is the last significant department store downtown. To lose such a valuable commercial enterprise would be devastating. Eaton's and the market share many of the same customers. It is important to keep both strong.

ADRS

A LITTLE CONGESTION IS NOT ALL BAD

We believe a little congestion and greater people activity on York Blvd. is a positive. We believe a little slowing down of the traffic on York Blvd. between Bay and James street is safer for people. We believe a few free, one hour parking spaces is warranted. We believe increasing the shopping traffic downtown is good business for the parking lot operators. Better to have an overflow of vehicles from the street than an abandonment of the downtown. We believe, sensible, compassionate, parking enforcement is possible.

#2 ENDORSE THE MARKET'S 160th ANNIVERSARY PROGRAM

This recommendation is self-evident. What may appear unusual is the order in which it appears.

DISCUSSION

We feel confident that City Council will endorse our program. But, because parking is the number one concern it is placed before all others in terms of importance. While the Traffic Department is presently reviewing our request for free on-street parking we ask Council to keep the parking issue as a top priority.

#3 SIGNS AT VARIOUS ENTRANCES TO THE CITY OF HAMILTON

That the City of Hamilton erect a series of signs at various strategic entry points into the city. These signs will promote, and give directions, to the downtown and the Hamilton Farmers' Market.

DISCUSSION

This recommendation is concise and easily accommodated. City, Regional and private property can be identified for this use. The signs should reflect the Victorian theme being emphasized in the Downtown Revitalization Plans. The signs should be tasteful, ornate and decorative. Attractive landscaping around the signs could provide a pleasing and softening effect. The details can be negotiated. Properly implemented we could avoid the garish look of some past signage experiments.

The life of this recommendation is simply dependent on political will. We ask that the appropriate personnel be directed to work with the stallholders on this project.

ADRS

#4 FREE BUS PASSES TO THE DOWNTOWN

Provide political support in a mutal-aid arrangement with the HSR for free bus passes to the market/downtown.

DISCUSSION

The HSR's ridership issue is a matter for continual concern. Bringing more people downtown is obviously an issue of concern. We believe a mutual-aid arrangement between the HSR and the market and other downtown merchants has the potential to increase ridership and attract people to the market and the downtown. One-way coupons (bus fare) from any point in the Region to the downtown could be provided to shoppers heading downtown. One-way return coupons (bus fare), to be provided or stamped by the market, or other participating downtown merchants, upon proof of purchase. The administrative details can be negotiated.

CONCLUSION

The attached program and recommendations provides the reasons and information to support our request to City Council. We ask you to help us, to help the downtown, be the kind of place to ***"live, work, visit, and play"***.

ADRS

A

160TH. BIRTHDAY

CELEBRATION

OF THE

HAMILTON FARMERS' MARKET

1837 - 1997

ADRS - May 1997

INTRODUCTION

1997 is the 160th anniversary of the Hamilton Farmers' Market. In recognizing this milestone, the Hamilton Farmers' Market Stallholders' Association decided to initiate a special program to celebrate this achievement.

Last year, in 1996, the City of Hamilton celebrated it's successful Sesquicentennial. During this celebration of the 150th anniversary of the founding of the City of Hamilton, a realization took place regarding the market. This public institution has provided a continual source of strength and vitality to the downtown. Many had forgotten just how valuable the market is to Hamilton. Many enjoy and appreciate the market, but take it for granted - it has always been there.

As part of the 1996 Sesqui celebrations, the ***"Walk Through Time"*** pictorial display was unveiled at the Farmers' Market. The large black and white pictures, hanging prominently from the high market ceilings, helps to remind us of our roots. The historical significance and the continuing valuable contribution the market makes to this community is often overlooked.

Many people did not realize the market is older than the city itself. It was the market that first became the economic and social centre of this community. The city, then expanded around this centre of activity. Today, downtown Hamilton struggles to meet a variety of challenges. The market faces many of these same challenges, but undaunted it remains an interesting and refreshing oasis in the centre of the downtown.

It is this oasis that offers people a welcome relief in the midst of difficulty. It is this oasis that helps to provide the downtown with a diversity of sights and sounds. It is the hustle and bustle of people coming to market that creates excitement and interest. The market is a special place. It is beyond being a place to simply purchase produce. It is a community meeting place that touches and pleases the physical senses. It provides a social and economic vibrancy to our downtown. Its a measure of what it means to be a community.

The question being posed by many of our community leaders is how to restore vibrancy to the downtown? One answer to that question is to maintain and enhance what has always been working, but not always consciously appreciated. The Hamilton Farmers' Market is a hometown institution with 160 years of tradition that enriches the life of Hamilton.

In January of this year, a committee composed mainly of market stallholders was established to develop plans to celebrate and enhance this local attraction. Former Alderman Brian Hinkley, now Community Relations Consultant and President of Alternative Dispute Resolution Services, is assisting in the development of a plan, and helping to coordinate the program.

ADRS

IDEAS ARE GENERATED

In January 1997, a brainstorming meeting was held to explore a variety of ways in which the market could be promoted and celebrated. Once the objectives for the 160th. Anniversary were agreed upon, a list of 43 specific ideas were suggested. During the month of February, the ideas were circulated and members of the committee were encouraged to reflect upon and discuss the ideas. Others in the community, who have a fondness for the market were asked to help, or be part of, the anniversary program.

In March, the committee met to pare down and prioritize the list of ideas. The ideas were developed into a program that reflected the objectives for the birthday celebrations. The program was costed and a budget was agreed upon. It was clear the budget exceeded the funds available. The committee decided to make a direct appeal to City Council for the shortfall in funding.

CITY CLERK'S DEPARTMENT PROVIDES ASSISTANCE

The administration of the Hamilton Farmers' Market is directed through the City Clerk's Department. When the City Clerk's Department was made aware of the market's anniversary program they suggested that the objectives of the market program may be achieved through alternative means. Recognizing the tight fiscal realities facing City Council, it was suggested to utilize the existing resources of various civic departments. It was further suggested that the market program piggy-back on this year's special downtown revitalization plans and thereby produce a synergy of effort.

During April and May the elements of the program were discussed with various city staff. Mr. Stan Hollowell, of the Clerk's Department was of great assistance by bringing together various civic departments and the market representatives. Through the utilization of existing resources, rather than fund a program entirely with separate unbudgeted dollars, an alternative program was agreed upon.

The following represents the thrust of the program to celebrate the 160th anniversary of the Hamilton Farmers' Market. Other ideas and suggestions may come forth due to fortunate circumstances or good luck. They will be acted upon when such opportunities arise. The bulk of this program does not require political approval. However, the 160 Anniversary Committee believes it is important that the members of Hamilton City Council receive this information and be in a position to respond when required. The committee is placing four recommendations that should receive the blessings, and possibly direction of City Council.

ADRS

GENERAL ELEMENTS OF THE PROGRAM

The following provides a quick overview of the simple elements that will comprise the main focus for the market celebrations.

* Free market parking

* Planned special events at or around the Market

* Spectator and other media to do feature articles on the market

* Coordinate with the downtown revitalization activities

* Seek promotional opportunities in conjunction with the Hamilton Health Sciences Corporation fund-raising gala being held at the market

* Plug into promotional opportunities through the Culture and Recreation Dept.

* Involvement and participation of Jackson Square/ Eaton's where suitable

* Special draws for market customers

* Community advertising

* Commercial media advertising

REQUEST TO CITY COUNCIL

* Support for more free parking in the vicinity of the market

* Statement of support for the program

* Direction to establish "Big" signs on the highway entrances into the city designed to promote the market and the downtown

* Assist to establish an appropriate arrangement with the HSR for free bus passes to the downtown/market

ADRS

THE PROGRAM IN BRIEF

*** Free Market Parking**

There is no issue dominating the concerns of market stallholders more than parking arrangements. This is a matter that is not clearly resolvable, without in some way, affecting the interests of others. It involves tradeoffs. Decisions will need to reached as to the appropriateness of trading-off traffic flow, paid parking or other concerns. The provision of some free parking, close as possible to the market is deemed critical to the success of downtown shopping and the retail trade. The market is requesting parking along both sides of York Street between Bay and James Street, where it is possible. That the on-street parking be free for periods of one to two hours. That a system of compassionate enforcement be implemented.

The success of the market, the continued existence of Eaton's (Hamilton's last significant downtown department store), and the maintenance of a healthy Jackson Square shopping complex is critically important. This issue of free, convenient, parking must be addressed. The City's Traffic Department is evaluating the market's request.

Because this issue is the number one concern the matter is raised again under the specific requests to City Council.

*** Planned Special Events**

Throughout this year special events, such as a children's petting zoo, corn shucking contests, dunk tanks, apple-bobbing, taffy-pulling, etc. have been suggested to focus attention on the market. A special day to celebrate the birthday itself will be organized. An on-site radio broadcast may be utilized in conjunction with a special 3 to 4 hour charity fundraising effort or a program of short interviews with local celebrities chatting about their personal **"Memories of the Market"** and **"The Market's Future Potential"**, have been suggested.

*** Media Articles on the Market**

Throughout the year the committee will explore opportunities to involve the local media in newsworthy events, and public interest stories about the Farmers' Market and, follow-up on any offers of free advertising.

*** Coordination with the Downtown Revitalization**

Hamilton Farmers' Market will be taken to the people through specially designed farmers' display carts set-up throughout the Gore and downtown core. The market will also be promoted in the advertising and various special publications being produced under the theme ***"positively downtown"***.

ADRS

*** Supporting the Market as a Unique Attraction**

The market stallholders is supporting the facility as an interesting venue for a fundraising event. This first-time event could prove the forerunner for other opportunities. The Hamilton Health Sciences Corporation will be holding a charity fund-raiser food emporium gala in the market. The food for the event will be purchased from the market. The stallholders may also be involved with the event in other ways. In the future the market may also be used as a site for a hoe-down or country dance. All of which could lend itself to additional business for the stallholders, revenue raising, and special promotional opportunities.

*** Culture and Recreation Department**

The market will be included in the Culture and Recreation Department's Sping/Summer brochure and Fall/Winter brochure. Combined circulation is in excess of 30,000.

*** Involvement and Participation of Jackson Square - Eaton's, et al.**

There are mutual benefits and opportunities by involving those nearby establishments to create synergy by working together. This could also involve Copps Coliseum, the Public Library, the Hamilton Sheraton and others.

*** Special Draws for market customers, free trips - other prizes**

This program is one that can be easily developed and implemented. Draws can be changed to suit the circumstances or held in conjunction with an outside organization or other events.

*** Community Advertising and Promotion**

The Parks Department have agreed to recognize the market's 160th year by planting a floral arrangement in the City Hall forecourt. The Hotz Community sign across from Hamilton Airport will be used to promote the market during the Spring, Summer and Fall of this year. The downtown revitalization plans include the market on advertising panels in approximately 40 bus shelters.

*** Commercial Advertising**

Paid commercial advertising will be planned in conjunction with the overall program to promote the market and its special activities.

ADRS

***Request to City Council**

The City of Hamilton has a special relationship with the Hamilton Farmers' Market. Many publicly-owned facilities in the downtown core hold an aura of prestige and commands attention from the City Council. The Farmers' Market, while it attracts people to the downtown, has remained somewhat of a forgotten asset.

The market was born is 1837 and has remained as a social and community institution ever since. The valuable contribution that the market makes to this community is understated. It is important for the members of City Council to be informed of this year's activities and have the opportunity to see the market in the same light in which the market was founded. A people place. A friendly place. An informal community meeting place.

The program has elements that require some political assistance. A presentation to the City Council, through the appropriate committee, Finance and Administration, will outline these requests.

It is proposed the City Council do the following:

1) Provide free parking close to the market

2) Endorse the 160th Anniversary Program

3) Explore an arrangement for a promotional free bus pass program to the downtown in conjunction with the Hamilton Farmers' Market. The HSR may wish to advertise their services in return for a free bus pass arrangement. This initiative can obviously be arranged independently from the market celebrations. It is the contention that further incentives to draw people downtown are required. Destination bus passes to the downtown is one more incentive.

4) "Big" Signs at Entrances to the City promoting the Market/Downtown

The City of Hamilton can control this initiative through the various civic departments. This will require a political directive.

This above recommendations are addressed more fully in a separate document that forms the basis for the presentation to the Finance and Administration Committee.

ADRS

Appendix "B" referred to in Section 14 of the **FOURTEENTH** Report of the Finance and Administration Committee for 1997

The City of Hamilton

LISTS OF CAPITAL PROJECTS – INTERNAL FINANCING ARRANGED THROUGH RESERVE

No. (1)	PROJECTS (2)	ACCOUNT CENTRE NUMBER (3)	AUTHORIZING BY-LAW NUMBER (4)	ONTARIO MUNICIPAL BOARD NUMBER (5)	ONTARIO MUNICIPAL BOARD DATE (6)	DEBENTURE AMOUNT AUTHORIZED (7)	DEBT/ RESERVE FINANCING TO DATE (8)	MAXIMUM DEBT TO BE ISSUED (9)	INTERNAL FINANCING THROUGH RESERVE 1997 (10)
	BUILDING & RECREATION DEPARTMENT:								
1	BARRIER FREE DESIGN ACCESS – Recreation Buildings (Infrastructure)	CF 809453003	94-135	N/A	N/A	89,333		89,333	89,333
2	BARRIER FREE DESIGN ACCESS – Recreation Buildings (Infrastructure)	CF 809453004	94-135	N/A	N/A	62,667		62,667	62,667
3	BARRIER FREE DESIGN ACCESS – City owned Buildings (Infrastructure)	CF 809453005	94-135	N/A	N/A	966,667	494,836	471,831	471,831
	PROPERTY DEPARTMENT:								
4	CITY HALL – REPLACE EXISTING CHILLERS & ASSOCIATED EQUIP (Infra.)	CF 809453012	97-033	N/A	N/A	113,333		113,333	113,333
5	MOUNTAIN COMPOSITE – ROOF REPLACEMENT	CF 319441014	94-095	N/A	N/A	65,000		65,000	65,000
6	MACNAB RECREATION CENTRE – BUILDING ENVELOPE REPAIRS	CF 319441015	94-095	N/A	N/A	250,000	197,935	52,065	52,065
7	BARRIER FREE DESIGN ACCESS – RECREATION BUILDINGS	CF 329441016	94-095	N/A	N/A	394,000	197,935	196,065	196,065
	FIRE DEPARTMENT:								
8	RENOVATE THE FIRE STATION AT WOODWARD AND MELVIN (Infra.)	CF 809453011	97-033	N/A	N/A	66,667		66,667	66,667
	CULTURE & RECREATION DEPARTMENT:								
9	DUNDURN CASTLE RESTORATIONS S. & W. Facades including Dovecote & Stables	CF 719441022	94-095	N/A	N/A	1,726,000		1,726,000	1,726,000
	PUBLIC WORKS & TRAFFIC:								
10	ROAD & SIDEWALK RECONSTRUCTION PROGRAM – Local Roads – Phase I	CF 529542001	95-090/95-216	N/A	N/A	5,419,000	4,269,092	1,149,908	1,149,908
11	ROAD & SIDEWALK RECONSTRUCTION PROGRAM	CF 529542001	96-050	N/A	N/A	4,524,000	52,048.85	4,471,951	1,000,000
12	QUEEN STREET STEPS – CONSTRUCTION	CF 609449020	94-095	N/A	N/A	540,000	296,902	243,098	243,098
13	ROAD & SIDEWALK RECONSTRUCTION PROGRAM (Infrastructure)	CF 809453008	94-135	N/A	N/A	1,203,234	989,673	213,561	213,561
14	ROAD & SIDEWALK RECONSTRUCTION PROGRAM (Infrastructure)	CF 809453009	95-18	N/A	N/A	227,406	98,967	128,439	128,439
15	ROAD & SIDEWALK RECONSTRUCTION (Infrastructure)	CF 809453010	97-033	N/A	N/A	1,374,833		1,374,833	1,374,833
16	MOHAWK SPORTS PARK	CF 629154022	91-210	E 910208	28-Mar-91	470,000	282,834	187,166	187,166
17	BASEBALL FACILITIES DEVELOPMENT	CF 629254004	92-217/92-283	E 920503	03-Sep-92	1,500,000	1,472,160	27,840	27,840
18	CONSTRUCT GAGE PARK FACILITIES BUILDING	CF 629064019	90-268/94-181	E 900568	14-Jun-90	460,000	419,380	40,620	40,620
19	T. B. MCQUESTON PARK	CF 629254005	92-216/94-123	E 920490	07-Jul-94	2,115,525	2,115,525		704,859
20	CHEDOKE MOUNTAIN STEPS	CF 629449012	94-095	N/A	N/A	378,000	343,416	34,584	34,584
21	LIGHTING SAFETY – IMPROVEMENTS	CF 629454013	94-095	N/A	N/A	233,000	98,967	134,033	134,033
22	CROWN POINT EAST/MCANULTY – PHASE VI	CF 429407001	94-095	N/A	N/A	400,000	296,902	103,098	103,098
23	GORE PARK WALKWAY RESTORATION	CF 629543010	95-090	N/A	N/A	315,000		315,000	315,000
24	PLAYSTRUCTURE DEVELOPMENT (Infrastructure)	CF 809453013	97-033	N/A	N/A	100,000		100,000	100,000
25	CREATIVE PLAYGROUND	CF 656652030	97-033	N/A	N/A	400,000		400,000	400,000
						23,393,665	9,511,048	13,882,617	9,000,000.00

05/28/97 File ID No. MRACAPRUDOTDESIGNED1997155U

The City of Hamilton
Treasury

Appendix "C" referred to in Section 14 of the **FOURTEENTH** Report of the Finance and Administration Committee for 1997

Internal Financing Through Reserve
For Previously Authorized Capital Projects

From the Reserve for Replacement of Mobile Equipment, A/c Centre No. CH 00101
The rate based on 5 year Canada Bond Rate as at December 31, 1996
Amortized Over Five Years @ The Rate Of 5.73%

Internal Financing Through Reserve Consolidated Schedule 1997

Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
24-Jun-97					9,000,000.00
24-Jun-98	2,120,898.20	1,605,198.20	515,700.00	5.73%	7,394,801.80
24-Jun-99	2,120,898.20	1,697,176.06	423,722.14	5.73%	5,697,625.74
24-Jun-2000	2,120,898.20	1,794,424.25	326,473.95	5.73%	3,903,201.49
24-Jun-2001	2,120,898.20	1,897,244.77	223,653.43	5.73%	2,005,956.72
24-Jun-2002	2,120,898.04	2,005,956.72	114,941.32	5.73%	(0.00)
	10,604,490.84	9,000,000.00	1,604,490.84		

CONSISTING OF:

1. Barrier Free Design Access – Recreation Buildings (Infrastructure) Account Centre No. CF 809453003

24-Jun-97					89,333.00
24-Jun-98	21,051.80	15,933.02	5,118.78	5.73%	73,399.98
24-Jun-99	21,051.80	16,845.98	4,205.82	5.73%	56,554.00
24-Jun-2000	21,051.80	17,811.26	3,240.54	5.73%	38,742.74
24-Jun-2001	21,051.80	18,831.84	2,219.96	5.73%	19,910.90
24-Jun-2002	21,051.79	19,910.90	1,140.89	5.73%	0.00
	105,258.99	89,333.00	15,925.99		

2. Barrier Free Design Access – Recreation Buildings (Infrastructure) Account Centre No. CF 809453004

24-Jun-97					62,667.00
24-Jun-98	14,767.81	11,176.99	3,590.82	5.73%	51,490.01
24-Jun-99	14,767.81	11,817.43	2,950.38	5.73%	39,672.58
24-Jun-2000	14,767.81	12,494.57	2,273.24	5.73%	27,178.01
24-Jun-2001	14,767.81	13,210.51	1,557.30	5.73%	13,967.50
24-Jun-2002	14,767.84	13,967.50	800.34	5.73%	0.00
	73,839.08	62,667.00	11,172.08		

The City of Hamilton
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Internal Financing Through Reserve
For Previously Authorized Capital Projects

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The rate based on 5 year Canada Bond Rate as at December 31, 1996
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3. Barrier Free Design Access – City Owned Buildings (Infrastructure) Account Centre No. CF 809453005

Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
24-Jun-97					471,831.00
24-Jun-98	111,189.50	84,153.58	27,035.92	5.73%	387,677.42
24-Jun-99	111,189.50	88,975.58	22,213.92	5.73%	298,701.84
24-Jun-2000	111,189.50	94,073.88	17,115.62	5.73%	204,627.96
24-Jun-2001	111,189.50	99,464.32	11,725.18	5.73%	105,163.64
24-Jun-2002	111,189.52	105,163.64	6,025.88	5.73%	(0.00)
	555,947.52	471,831.00	84,116.52		

4. City Hall – Replace Existing Chillers & Associated Equipment (Infrastructure) Account Centre No. CF 809453012

24-Jun-97					113,333.00
24-Jun-98	26,707.53	20,213.55	6,493.98	5.73%	93,119.45
24-Jun-99	26,707.53	21,371.79	5,335.74	5.73%	71,747.66
24-Jun-2000	26,707.53	22,596.39	4,111.14	5.73%	49,151.27
24-Jun-2001	26,707.53	23,891.16	2,816.37	5.73%	25,260.11
24-Jun-2002	26,707.51	25,260.11	1,447.40	5.73%	0.00
	133,537.63	113,333.00	20,204.63		

5. Mountain Composite Roof Replacement Account Centre No. CF 319441014

Date	Total Payment	Principal	Interest		Balance Outstanding
24-Jun-97					65,000.00
24-Jun-98	15,317.60	11,593.10	3,724.50	5.73%	53,406.90
24-Jun-99	15,317.60	12,257.38	3,060.22	5.73%	41,149.52
24-Jun-2000	15,317.60	12,959.73	2,357.87	5.73%	28,189.79
24-Jun-2001	15,317.60	13,702.33	1,615.27	5.73%	14,487.46
24-Jun-2002	15,317.59	14,487.46	830.13	5.73%	0.00
	76,587.99	65,000.00	11,587.99		

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Internal Financing Through Reserve
For Previously Authorized Capital Projects

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The rate based on 5 year Canada Bond Rate as at December 31, 1996
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Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
6. MacNab Recreation Centre – Building Envelope Repairs Account Centre No. CF 319441015					
24-Jun-97					52,065.00
24-Jun-98	12,269.40	9,286.08	2,983.32	5.73%	42,778.92
24-Jun-99	12,269.40	9,818.17	2,451.23	5.73%	32,960.75
24-Jun-2000	12,269.40	10,380.75	1,888.65	5.73%	22,580.00
24-Jun-2001	12,269.40	10,975.57	1,293.83	5.73%	11,604.43
24-Jun-2002	12,269.36	11,604.43	664.93	5.73%	0.00
	61,346.96	52,065.00	9,281.96		
7. Barrier Free Design Access – Recreation Buildings Account Centre No. CF 329441016					
24-Jun-97					196,065.00
24-Jun-98	46,203.77	34,969.25	11,234.52	5.73%	161,095.75
24-Jun-99	46,203.77	36,972.98	9,230.79	5.73%	124,122.77
24-Jun-2000	46,203.77	39,091.54	7,112.23	5.73%	85,031.23
24-Jun-2001	46,203.77	41,331.48	4,872.29	5.73%	43,699.75
24-Jun-2002	46,203.75	43,699.75	2,504.00	5.73%	0.00
	231,018.83	196,065.00	34,953.83		
8. Renovate the Fire Station at Woodward & Melvin (Infrastructure) Account Centre No. CF 809453011					
24-Jun-97					66,667.00
24-Jun-98	15,710.44	11,890.42	3,820.02	5.73%	54,776.58
24-Jun-99	15,710.44	12,571.74	3,138.70	5.73%	42,204.84
24-Jun-2000	15,710.44	13,292.10	2,418.34	5.73%	28,912.74
24-Jun-2001	15,710.44	14,053.74	1,656.70	5.73%	14,859.00
24-Jun-2002	15,710.42	14,859.00	851.42	5.73%	0.00
	78,552.18	66,667.00	11,885.18		

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Internal Financing Through Reserve
For Previously Authorized Capital Projects

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Amortized Over Five Years @ The Rate Of 5.73%

Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
9. Dundurn Castle Restorations – S. & W. Facades including Dovecote & Stables Account Centre No. CF 719441022					
24-Jun-97					1,726,000.00
24-Jun-98	406,741.14	307,841.34	98,899.80	5.73%	1,418,158.66
24-Jun-99	406,741.14	325,480.65	81,260.49	5.73%	1,092,678.01
24-Jun-2000	406,741.14	344,130.69	62,610.45	5.73%	748,547.32
24-Jun-2001	406,741.14	363,849.38	42,891.76	5.73%	384,697.94
24-Jun-2002	406,741.13	384,697.94	22,043.19	5.73%	0.00
	2,033,705.69	1,726,000.00	307,705.69		
10. Road & Sidewalk Reconstruction Program Local Roads – Phase I Account Centre No. CF 529542001					
24-Jun-97					1,149,908.00
24-Jun-98	270,981.98	205,092.25	65,889.73	5.73%	944,815.75
24-Jun-99	270,981.98	216,844.04	54,137.94	5.73%	727,971.71
24-Jun-2000	270,981.98	229,269.20	41,712.78	5.73%	498,702.51
24-Jun-2001	270,981.98	242,406.33	28,575.65	5.73%	256,296.18
24-Jun-2002	270,981.95	256,296.18	14,685.77	5.73%	0.00
	1,354,909.87	1,149,908.00	205,001.87		
11. Road & Sidewalk Reconstruction Program Account Centre No. CF 529642001					
24-Jun-97					1,000,000.00
24-Jun-98	235,655.35	178,355.35	57,300.00	5.73%	821,644.65
24-Jun-99	235,655.35	188,575.11	47,080.24	5.73%	633,069.54
24-Jun-2000	235,655.35	199,380.47	36,274.88	5.73%	433,689.07
24-Jun-2001	235,655.35	210,804.97	24,850.38	5.73%	222,884.10
24-Jun-2002	235,655.36	222,884.10	12,771.26	5.73%	0.00
	1,178,276.76	1,000,000.00	178,276.76		

The City of Hamilton
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Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
12. Queen Street Steps – Construction Account Centre No. CF 609449020					
24-Jun-97					243,098.00
24-Jun-98	57,287.34	43,357.82	13,929.52	5.73%	199,740.18
24-Jun-99	57,287.34	45,842.23	11,445.11	5.73%	153,897.95
24-Jun-2000	57,287.34	48,468.99	8,818.35	5.73%	105,428.96
24-Jun-2001	57,287.34	51,246.26	6,041.08	5.73%	54,182.70
24-Jun-2002	57,287.37	54,182.70	3,104.67	5.73%	0.00
	286,436.73	243,098.00	43,338.73		
13. Road & Sidewalk Reconstruction Program (Infrastructure) Account Centre No. CF 809453008					
24-Jun-97					213,561.00
24-Jun-98	50,326.79	38,089.74	12,237.05	5.73%	175,471.26
24-Jun-99	50,326.79	40,272.29	10,054.50	5.73%	135,198.97
24-Jun-2000	50,326.79	42,579.89	7,746.90	5.73%	92,619.08
24-Jun-2001	50,326.79	45,019.72	5,307.07	5.73%	47,599.36
24-Jun-2002	50,326.80	47,599.36	2,727.44	5.73%	0.00
	251,633.96	213,561.00	38,072.96		
14. Road & Sidewalk Reconstruction Program (Infrastructure) Account Centre No. CF 809453009					
24-Jun-97					128,439.00
24-Jun-98	30,267.34	22,907.79	7,359.55	5.73%	105,531.21
24-Jun-99	30,267.34	24,220.40	6,046.94	5.73%	81,310.81
24-Jun-2000	30,267.34	25,608.23	4,659.11	5.73%	55,702.58
24-Jun-2001	30,267.34	27,075.58	3,191.76	5.73%	28,627.00
24-Jun-2002	30,267.33	28,627.00	1,640.33	5.73%	0.00
	151,336.69	128,439.00	22,897.69		

The City of Hamilton
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Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
15. Road & Sidewalk Reconstruction Program (Infrastructure) Account Centre No. CF 809453010					
24-Jun-97					1,374,833.00
24-Jun-98	323,986.76	245,208.83	78,777.93	5.73%	1,129,624.17
24-Jun-99	323,986.76	259,259.30	64,727.46	5.73%	870,364.87
24-Jun-2000	323,986.76	274,114.85	49,871.91	5.73%	596,250.02
24-Jun-2001	323,986.76	289,821.63	34,165.13	5.73%	306,428.39
24-Jun-2002	323,986.74	306,428.39	17,558.35	5.73%	(0.00)
	1,619,933.78	1,374,833.00	245,100.78		
16. Mohawk Sports Park Account Centre No. CF 629154022					
24-Jun-97					187,166.00
24-Jun-98	44,106.67	33,382.06	10,724.61	5.73%	153,783.94
24-Jun-99	44,106.67	35,294.85	8,811.82	5.73%	118,489.09
24-Jun-2000	44,106.67	37,317.25	6,789.42	5.73%	81,171.84
24-Jun-2001	44,106.67	39,455.52	4,651.15	5.73%	41,716.32
24-Jun-2002	44,106.67	41,716.32	2,390.35	5.73%	0.00
	220,533.35	187,166.00	33,367.35		
17. Baseball Facilities Development Account Centre No. CF 629254004					
24-Jun-97					27,840.00
24-Jun-98	6,560.65	4,965.42	1,595.23	5.73%	22,874.58
24-Jun-99	6,560.65	5,249.94	1,310.71	5.73%	17,624.64
24-Jun-2000	6,560.65	5,550.76	1,009.89	5.73%	12,073.88
24-Jun-2001	6,560.65	5,868.82	691.83	5.73%	6,205.06
24-Jun-2002	6,560.61	6,205.06	355.55	5.73%	0.00
	32,803.21	27,840.00	4,963.21		

The City of Hamilton
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Internal Financing Through Reserve

For Previously Authorized Capital Projects

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Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
18. Construct Gage Park Facilities Building Account Centre No. CF 629064019					
24-Jun-97					40,620.00
24-Jun-98	9,572.32	7,244.79	2,327.53	5.73%	33,375.21
24-Jun-99	9,572.32	7,659.92	1,912.40	5.73%	25,715.29
24-Jun-2000	9,572.32	8,098.83	1,473.49	5.73%	17,616.46
24-Jun-2001	9,572.32	8,562.90	1,009.42	5.73%	9,053.56
24-Jun-2002	9,572.33	9,053.56	518.77	5.73%	0.00
	47,861.61	40,620.00	7,241.61		
19. T. B. McQueston Park Account Centre No. CF 629254005					
24-Jun-97					704,859.00
24-Jun-98	166,103.80	125,715.38	40,388.42	5.73%	579,143.62
24-Jun-99	166,103.80	132,918.87	33,184.93	5.73%	446,224.75
24-Jun-2000	166,103.80	140,535.12	25,568.68	5.73%	305,689.63
24-Jun-2001	166,103.80	148,587.78	17,516.02	5.73%	157,101.85
24-Jun-2002	166,103.79	157,101.85	9,001.94	5.73%	0.00
	830,518.99	704,859.00	125,659.99		
20. Chedoke Mountain Steps Account Centre No. CF 629449012					
24-Jun-97					34,584.00
24-Jun-98	8,149.90	6,168.24	1,981.66	5.73%	28,415.76
24-Jun-99	8,149.90	6,521.68	1,628.22	5.73%	21,894.08
24-Jun-2000	8,149.90	6,895.37	1,254.53	5.73%	14,998.71
24-Jun-2001	8,149.90	7,290.47	859.43	5.73%	7,708.24
24-Jun-2002	8,149.92	7,708.24	441.68	5.73%	0.00
	40,749.52	34,584.00	6,165.52		

The City of Hamilton
Treasury

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Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
21. Lighting Safety – Improvements Account Centre No. CF 629454013					
24-Jun-97					134,033.00
24-Jun-98	31,585.59	23,905.50	7,680.09	5.73%	110,127.50
24-Jun-99	31,585.59	25,275.28	6,310.31	5.73%	84,852.22
24-Jun-2000	31,585.59	26,723.56	4,862.03	5.73%	58,128.66
24-Jun-2001	31,585.59	28,254.82	3,330.77	5.73%	29,873.84
24-Jun-2002	31,585.61	29,873.84	1,711.77	5.73%	0.00
	157,927.97	134,033.00	23,894.97		
22. Crown Point East/McAnulty – Phase VI Account Centre No. CF 429407001					
24-Jun-97					103,098.00
24-Jun-98	24,295.60	18,388.08	5,907.52	5.73%	84,709.92
24-Jun-99	24,295.60	19,441.72	4,853.88	5.73%	65,268.20
24-Jun-2000	24,295.60	20,555.73	3,739.87	5.73%	44,712.47
24-Jun-2001	24,295.60	21,733.58	2,562.02	5.73%	22,978.89
24-Jun-2002	24,295.58	22,978.89	1,316.69	5.73%	0.00
	121,477.98	103,098.00	18,379.98		
23. Gore Park Walkway Restoration Account Centre No. CF 629543010					
24-Jun-97					315,000.00
24-Jun-98	74,231.44	56,181.94	18,049.50	5.73%	258,818.06
24-Jun-99	74,231.44	59,401.17	14,830.27	5.73%	199,416.89
24-Jun-2000	74,231.44	62,804.85	11,426.59	5.73%	136,612.04
24-Jun-2001	74,231.44	66,403.57	7,827.87	5.73%	70,208.47
24-Jun-2002	74,231.42	70,208.47	4,022.95	5.73%	(0.00)
	371,157.18	315,000.00	56,157.18		

1997 June 24

The City of Hamilton
Treasury

Internal Financing Through Reserve
For Previously Authorized Capital Projects

From the Reserve for Replacement of Mobile Equipment, A/c Centre No. CH 00101
The rate based on 5 year Canada Bond Rate as at December 31, 1996
Amortized Over Five Years @ The Rate Of 5.73%

Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
24. Playstructure Development (Infrastructure) Account Centre No. CF 809453013					
24-Jun-97					100,000.00
24-Jun-98	23,565.54	17,835.54	5,730.00	5.73%	82,164.46
24-Jun-99	23,565.54	18,857.52	4,708.02	5.73%	63,306.94
24-Jun-2000	23,565.54	19,938.05	3,627.49	5.73%	43,368.89
24-Jun-2001	23,565.54	21,080.50	2,485.04	5.73%	22,288.39
24-Jun-2002	23,565.51	22,288.39	1,277.12	5.73%	0.00
	117,827.67	100,000.00	17,827.67		
25. Creative Playground Account Centre No. CF 656652030					
24-Jun-97					400,000.00
24-Jun-98	94,262.14	71,342.14	22,920.00	5.73%	328,657.86
24-Jun-99	94,262.14	75,430.04	18,832.10	5.73%	253,227.82
24-Jun-2000	94,262.14	79,752.19	14,509.95	5.73%	173,475.63
24-Jun-2001	94,262.14	84,321.99	9,940.15	5.73%	89,153.64
24-Jun-2002	94,262.14	89,153.64	5,108.50	5.73%	(0.00)
	471,310.70	400,000.00	71,310.70		

Appendix "D" referred to in Section 14 of the **FOURTEENTH** Report of the Finance and Administration Committee for 1997

The City of Hamilton
Treasury

Internal Financing Through Reserves
Owners' Share of Locals
Accounts Closed in 1995 for Initial Rating in 1996
Rate Used for Tax Roll 9.25% for 15 Year Amortization

Date	Total Payment	Principal	Interest 9.25%	Balance Outstanding
24-Jun-97				43,818.33
24-Jun-98	5,516.53	1,463.33	4,053.20	42,355.00
24-Jun-99	5,516.53	1,598.69	3,917.84	40,756.30
24-Jun-2000	5,516.53	1,746.57	3,769.96	39,009.73
24-Jun-2001	5,516.53	1,908.13	3,608.40	37,101.60
24-Jun-2002	5,516.53	2,084.63	3,431.90	35,016.96
24-Jun-2003	5,516.53	2,277.46	3,239.07	32,739.50
24-Jun-2004	5,516.53	2,488.13	3,028.40	30,251.37
24-Jun-2005	5,516.53	2,718.28	2,798.25	27,533.08
24-Jun-2006	5,516.53	2,969.72	2,546.81	24,563.36
24-Jun-2007	5,516.53	3,244.42	2,272.11	21,318.94
24-Jun-2008	5,516.53	3,544.53	1,972.00	17,774.40
24-Jun-2009	5,516.53	3,872.40	1,644.13	13,902.00
24-Jun-2010	5,516.53	4,230.59	1,285.94	9,671.41
24-Jun-2011	5,516.53	4,621.92	894.61	5,049.49
24-Jun-2012	5,516.56	5,049.48	467.08	0.00
	82,748.03	43,818.33	38,929.70	

05/28/97 (File ID No. NRA:CAPBUDGT\DEBSCHED\LOCALS95)

The City of Hamilton
Treasury

Internal Financing Arrangements to be made for Owners' Share of Local Improvements Closed in 1995 for Initial Rating in 1996

Centre Number CF (1)	Street (2)	Side (3)	From (4)	To (5)	By-Law Number (6)	Total Cost (8)	Debenture Authority (9)	Owners' Portion of Costs (10)	Commutations (11)	Amount to be Debentured (12)
Independent Curb										
529221001	Upper Kenilworth Avenue	east	Landron Avenue	Limeridge Road	92-181	33,514.69	n/a	-		0.00
Walk and Combined Curb										
529423005	Brock Street	south	John North	24m east of Hughson North (frontage 10 Brock)	94-153	39,116.84	6,232.00	6,232.00		6,232.00
Walk Only										
529424016	Upper James Street	west	Rymal Road	Christopher Drive	94-151	76,543.17	37,876.00	37,875.77	11,595.34	26,280.43
Alleyway										
529325002	First north of Barton East		Tragina North	Weir North (east west portion)	94-089 (93-225)	29,116.74	5,225.00	5,225.00		5,225.00
529325003	Btwn Fairfield North & Paling		Britannia Avenue	north limit of 226 Fairfield and 255 Paling	94-090 (94-025)	36,867.18	11,076.00	11,076.00	4,995.10	6,080.90
						215,158.62	60,409.00	60,408.77	16,590.44	43,818.33
								Deduct: Commutations	16,590.44	
									43,818.33	43,818.33

05/28/97

Appendix "E" referred to in Section 14 of the **FOURTEENTH** Report of the Finance and Administration Committee for 1997

The City of Hamilton
Treasury

Internal Financing Through Reserves
Owners' Share of Locals
Accounts Closed in 1996 for Initial Rating in 1997
Rate Used for Tax Roll 7.00% for 15 Year Amortization

Date	Total Payment	Principal	Interest 7.00%	Balance Outstanding
24–Jun–97				219,116.74
24–Jun–98	24,057.84	8,719.67	15,338.17	210,397.07
24–Jun–99	24,057.84	9,330.05	14,727.79	201,067.02
24–Jun–2000	24,057.84	9,983.15	14,074.69	191,083.87
24–Jun–2001	24,057.84	10,681.97	13,375.87	180,401.90
24–Jun–2002	24,057.84	11,429.71	12,628.13	168,972.19
24–Jun–2003	24,057.84	12,229.79	11,828.05	156,742.40
24–Jun–2004	24,057.84	13,085.87	10,971.97	143,656.53
24–Jun–2005	24,057.84	14,001.88	10,055.96	129,654.65
24–Jun–2006	24,057.84	14,982.01	9,075.83	114,672.64
24–Jun–2007	24,057.84	16,030.76	8,027.08	98,641.88
24–Jun–2008	24,057.84	17,152.91	6,904.93	81,488.97
24–Jun–2009	24,057.84	18,353.61	5,704.23	63,135.36
24–Jun–2010	24,057.84	19,638.36	4,419.48	43,497.00
24–Jun–2011	24,057.84	21,013.05	3,044.79	22,483.95
24–Jun–2012	24,057.83	22,483.95	1,573.88	(0.00)
	360,867.59	219,116.74	141,750.85	

05/28/97 (File ID No. NRA:CAPBUDGT\DEBSCHED\LOCALS96)

The City of Hamilton
Treasury

Internal Financing Arragements to be made for
Owners' Share of Local Improvements
Closed in 1996 for Initial Rating in 1997

Centre Number CF (1)	Street (2)	Side (3)	From (4)	To (5)	By-Law Number (6)	Total Cost (8)	Debenture Authority (9)	Owners' Portion of Costs (10)	Commutations (11)	Amount to be Debentured (12)
Independent Curb										
529521002	Glenfern Avenue	south	Mountain Avenue	32m e'ly (flankage of 61 Mountain Avenue)	95-187	2,827.18	637.00	637.00	–	637.00
Roadway (with curbs & walks)										
529426009	Ferguson Avenue	both	Cannon Street	Barton Street	94-152	466,447.49	335,950.50	192,705.55	19,413.28	173,292.27
Walk Only										
529524020	Rymal Road	south	Upper James Street	Springside Drive	96-017 (95-155)	78,363.75	50,666.70	49,502.90	16,124.15	33,378.75
529624021	Solidarnosc Place	south	St. Olga Street	Barnesdale Avenue North	96-088	10,385.62	1,396.83	1,396.83	1,396.83	0.00
529324015	Upper Ottawa Street	east	Stone Church Road	275m n'ly	94-026	12,887.91	22,428.00	11,808.72	–	11,808.72
						570,911.95	411,079.03	256,051.00	36,934.26	219,116.74
						Deduct: Commutations		36,934.26		
								219,116.74		219,116.74

to the Agreement of Purchase and Sale between
Air Liquide Canada Inc. (ALC) and
The Corporation of the City of Hamilton (the City)
regarding the conveyance of 125 Birmingham St., Hamilton

Appendix "F" referred to in Section 20 of the **FOURTEENTH** Re the Finance and Administration Committee for 1997

1. **Paramountcy**

The provisions contained in this Schedule supersede any contrary terms contained in the City of Hamilton's standard form agreement to which this Schedule is attached.

2. **Completion Date**

This agreement shall be completed at 1:00 p.m. on the 20th day of June, 1997, unless the parties agree, in writing, to an earlier date. But the Purchaser may delay closing for up to 90 days to accommodate ALC's purchase of the Ontario Hydro lands (clause 3 below) and ALC's purchase from Stelco Inc. (clause 4 below).

3. **Conditional Upon Ontario Hydro Acquisition**

Completion of this agreement by ALC is conditional upon ALC and Ontario Hydro entering into and completing an agreement of purchase and sale pursuant to which Ontario Hydro conveys to the ALC the lands immediately to the south of the City's lands being the lands described in Hydro Deed No. 75707 N.S. shown in yellow on the attached sketch.

4. **Conditional Upon Stelco Acquisition**

Completion of this agreement by ALC is conditional upon ALC and Stelco entering into and completing an agreement of purchase and sale pursuant to which Stelco conveys to the ALC the lands referred to municipally as 860 Burlington Street East, Hamilton, the parcels outlined in red on the sketch attached hereto.

5. **Stelco Release**

Completion of the sale by the City is conditional upon:

(a) Stelco releasing the City in a form, and upon terms satisfactory to the City, from any obligation or agreement between Stelco and the City under which the City had previously agreed to sell the land to Stelco;

(b) the City and Stelco entering into a written amending agreement to modify the terms of the Industrial Drive Land Exchange Agreement to take into account the sale of the land from the City to ALC.

6. **Declaration of Possession**

The City of Hamilton will deliver to the Purchaser, on or before closing, a statutory declaration on behalf of the City of Hamilton (in the Dye & Durham Form No. 129 (revised February, 1991) format) amended as required to apply to the transfer from the City to the Purchaser, in a form reasonably satisfactory to the Purchaser and its solicitors, providing evidence that the City of Hamilton has been in exclusive possession of Part 1 on 62R-5666 (except to the extent that Stelco occupied the lands) since its acquisition.

7. **Simultaneous Conveyances**

The ALC will exercise its best efforts to establish a closing time of 1:00 p.m. at the Hamilton Registry Office to complete its purchases from Stelco Inc. and Ontario Hydro. The City of Hamilton undertakes its best efforts to attend at the Hamilton Registry Office at 1:00 p.m. on the day of closing to complete its transfer to the ALC. It being the mutual intention that, so far as possible, ALC will complete its purchases from the City of Hamilton, Stelco Inc. and Ontario Hydro simultaneously.

8. Authorizing Bylaw

On closing the City will deliver a certified true copy of the Council's Resolution and confirming Bylaw authorizing the sale of 125 Birmingham Street, Hamilton to the ALC.

9. GST Wash

(a) The Vendor and the Purchaser warrant, each to the other, that, in accordance with Section 221 (2)(b) of the GST Tax Act,

(i) that both parties are registered under Subdivision d, the Vendor's GST Registration Number is #122 666 373 and the Purchaser's GST Number is R100767532; and,

(ii) that the property being acquired is not a supply of residential complex made to an individual;

(b) The Purchaser hereby certifies to the Vendor that the Purchaser is a registrant for purposes of Goods and Services Tax ("GST") pursuant to the Excise Tax Act (Canada) (the "Act"), as amended from time to time, under No. R100767532 and is entitled not to be required to pay GST to the Vendor on this transaction by virtue of section 221 (2)(b) of the Excise Tax Act (Canada). The Purchaser's GST registration has not been varied or revoked.

(c) It is therefore agreed in respect of the purchase and sale of this property, that the Vendor is exempt from the duty to collect from the Purchaser and remit to Revenue Canada any Goods and Services Tax;

(d) The Purchaser (ALC) covenants to the Vendor

(i) to complete and sign GST Form 60 and to file Form GST 60 and remit within the time period stipulated in the Act all GST, if any, payable in respect of the above-noted transaction, in accordance with section 228(4) of the Act; and

(ii) to indemnify and save harmless the Vendor as to any GST liability, penalty, interest or other amount for which the Vendor may become liable as a result of not having collected GST from the Purchaser on the closing of this transaction.

10. Environmental - Phase II

(a) Completion of this agreement by the Purchaser is conditional upon the Purchaser receiving a satisfactory Phase II Environmental Site Assessment audit report and a satisfactory Geotechnical Audit (which will include soil stability assessments, settlement analysis and pile driving analysis) to be performed by Trow Consulting Engineers, 428 Millen Road, Stoney Creek, Ontario, which assessment and audit are to be conducted in accordance with the requirements of the current Canadian Standards Association and the requirements of the Canadian Mortgage and Housing Corporation (hereinafter referred to as "environmental audit").

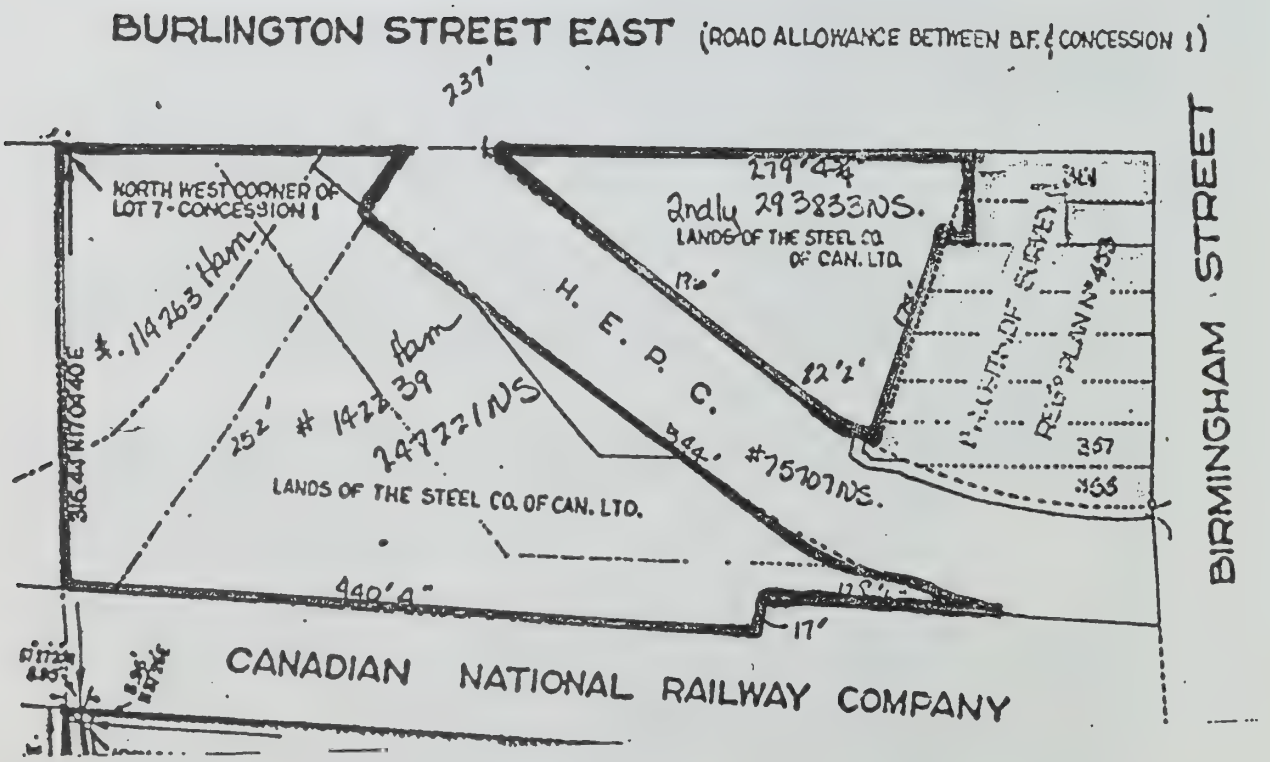
(b) If ALC, in its sole and subjective discretion, does not receive a satisfactory environmental audit then it may terminate this agreement by written notice to the City.

(c) In that event the City may, at its sole discretion, request a copy of the audit for its own use provided that the City reimburses ALC for one-half of the cost of the audit.

(d) The City authorizes ALC and its agents to enter upon the lands to conduct the environmental audit. ALC acknowledges that it will conduct its audit at its sole expense, at its sole risk and in compliance with all health and safety and related laws and regulations. ALC undertakes to treat all information contained in the environmental audit strictly confidential and

to be disclosed to others on a need-to-know basis only and on condition that those receiving information shall keep it strictly confidential. ALC hereby agrees to indemnify and save harmless the City from and against any liability imposed by law and from and against all actions, interests, claims, demands, costs, damages and expenses, whether direct or indirect, which the City may sustain or incur in connection with ALC or its agent entering upon the City's land.

(e) The City authorizes ALC and its surveyors to enter upon the lands to conduct such surveying work as it sees fit. ALC acknowledges that it will conduct its surveying work at its sole expense, at its sole risk and in compliance with all safety laws and regulations. ALC hereby agrees to indemnify and save harmless the City from and against any liability imposed by law and from and against all damages, interests, claims, demands, costs and expenses, whether direct or indirect, which the City may sustain or incur in connection with ALC and its surveyors entering upon the City's lands.



This sketch is included only for the purposes of identifying the Ontario Hydro and Stelco Inc. lands which are to be purchased at the same time that CLA purchases the City's lands. The City's lands are shown outlined in orange only for the purposes of showing the location of those lands in relation to the Stelco Inc. and Ontario Hydro lands. The lands to be conveyed are the lands designated as Part 1 on 62R-5666.

REPORT OF THE CITY OF HAMILTON LICENSING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The City of Hamilton Licensing Committee presents its **FOURTH** Report for 1997 and respectfully recommends:

1. That the Garage A and Garage B2 Licences of Victor Vervaeke be revoked on the grounds of the licencee's continuing non-compliance and convictions under City of Hamilton Licence By-law 93-069.

Confidential background information provided to members of City Council under separate cover.

Respectfully submitted,

ALDERMAN D. WILSON, CHAIRPERSON
LICENSING COMMITTEE

Stella Glover
Secretary
1997 June 11

NOTICES OF MOTION

FROM PREVIOUS MEETING

NOTICE OF MOTION

Alderman D. Ross gave notice that he would move at the next regular meeting of City Council the following:

WHEREAS the population of the Province of Quebec voted against separating from Canada, both in 1980 and in 1995; and

WHEREAS the current government of Quebec has repeatedly reiterated its desire to hold yet another referendum on Quebec separation; and

WHEREAS there are many loyal Canadians in Quebec who, via resolutions of their local city councils, have declared that it is their wish to remain part of Canada, irrespective of any future referendum result; and

WHEREAS those city councils have requested the support of Canadians outside Quebec in their effort to remain Canadian.

Be it resolved ***THAT*** the City of Hamilton supports the initiative of those municipalities in Quebec who have declared their intention to remain part of Canada irrespective of any future province wide vote for separation.

THAT the City of Hamilton demands that the government of Canada and the government of Québec clearly and unequivocally state that they support the right of federalist municipalities and regions within Quebec to remain part of Canada, today and in the future, in accordance with the legal, moral, political, constitutional, and territorial obligations of our nation.

THAT copies of this resolution be forwarded to the Prime Minister of Canada, the members of Parliament from Ontario and Québec, the members of the Provincial legislature, the Premier of Ontario, the union of Ontario municipalities, all Ontario municipalities, the Federation of Montreal Urban Community, and all municipalities on the Island of Montreal and all Provincial Municipal Associations.

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

TUESDAY, 1997 JUNE 24
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL

BILLS

BILL NO. A - 35

BY-LAW NO. 97 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

Schedule 7 (Weight Restrictions on Certain Bridges) of By-law 89-72 To Regulate Traffic passed on the 24th day of June 1997 is hereby amended by deleting therefrom the following item, namely:-

"Mountain Park bridge over Sherman Cut 2 tonnes".

PASSED this day of A.D. 1997.

City Clerk Mayor

Bill No. A-36

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Section 40** of said By-law is hereby amended by deleting, in its entirety, **Subsection (i)**, and by inserting in its place the following Subsection, namely:-

   "(i) Within 20 feet of any signalized intersection, except buses at a sign marking a bus stop as listed in schedule 21 or 23 of this by-law."

2. That **Subsection (j)** of **Section 40** of said By-law is hereby amended by adding, subsequent to the phrase "except buses at a sign marking a bus stop listed in schedule 21 or 23" in the last line thereof, the following statement, namely:-

   ", and save that this provision shall not apply to the parking of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers, within a loading bay constructed adjacent to the through lanes of the roadway and designated as such in the appropriate schedule subjoined to this by-law"

3. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this day of 1997.

CITY CLERK MAYOR

BILL NO. A-37

BY-LAW NO. 97 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 10 (Stops at Intersections)** of By-law 89-72 To Regulate Traffic passed on the 28th day of February 1989 is hereby amended by adding thereto the following items, namely:-

"Acadia (Northerly)	Eastbound and Westbound	Butler (Westerly)
Graham	Northbound and Southbound	Monterey
Montrose	Eastbound	Erin."

2. **Schedule 29 (No Stopping Areas)** of said By-law is hereby amended by deleting therefrom the following item, namely:-

"Beland	East	Queenston to 100 ft. north	Anytime."

3. **Schedule 30 (Commercial Vehicle Loading Zones)** of said By-law is hereby amended by deleting therefrom the following item, namely:-

"Cathcart	East	28 ft.	44 ft. north of Wilson	8:00 a.m. - 6:00 p.m. Monday to Saturday."

4. **Schedule 35 (Wheelchair Loading Zones)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Colin	East	40 feet	64 feet north of Towercreast	Anytime
Park Row North	East	21 feet	79 feet south of Roxborough	8:00 am - 6:00 pm."

and by deleting therefrom the following item, namely:-

"Prospect	East	26 ft.	181 ft. south of Main	8:00 am - 8:00 pm Monday to Friday."

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

Bill No. A-38

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 24 (Parking Meter Locations)** of said By-law is hereby amended by deleting therefrom, in its entirety, **Subsection 1** thereof, and replaced with the following:

"1. Three Hour Limit, on the following streets and parts of streets, excepting such parts of same where parking or stopping is prohibited.

(a) At the rate of fifty cents per hour.

Street	Side	Location
Mary	East	King to King William
King William	North	John to Wellington
Jarvis	Both	King William to the southerly end
Ferguson	Both	King to Wilson

(b) At the rate of one dollar per hour.

Herkimer	Both	James to Park
Hunter	Both	James to MacNab
Jackson	North	From 171 feet east of Hess to Caroline
Jackson	South	Hess to 252 feet easterly
King (Northerly Branch)	Both	Paisley to Marion
King (Southerly Branch)	Both	Paisley to Marion
Robinson	Both	Park to MacNab."

2. That **Schedule 24** of said By-law shall be further amended by adding to **Part 2(A)** thereof the following items, namely:-

"Jackson	North	Catharine to Ferguson
Rebecca	North	Catharine to Ferguson."

and by deleting from **Part 2(B)** thereof the following item, namely:-

"Jarvis	East	King William to southerly end
Jackson	North	Catharine to Walnut
Jackson	North	Walnut to Ferguson
Rebecca	North	Catharine to Mary
Rebecca	North	Mary to Ferguson."

5. That **Schedule 24** of said By-law shall be further amended by adding to **Part 3(A)** thereof the following item, namely:-

"Catharine	West	Jackson to Rebecca
Hughson	East	Jackson to Main."

and by deleting from **Part 3(B)** thereof the following item, namely:-

"Hughson	East	Jackson to Main."

6. That **Schedule 26 (No Parking Areas)** of said By-law shall be amended by adding thereto the following item, namely:-

"Catharine	West	Jackson to Hunter	Anytime."

and by deleting the following items, namely:-

"Catharine	West	Main to Hunter	Anytime
Jarvis	West	King William to southerly end	Anytime
King William	North	John to Catharine	Anytime
King William	North	Catharine to Mary	Anytime
King William	North	Mary to Ferguson	Anytime
King William	North	Wellington to Ferguson	Anytime
King William	North	From 183 ft. west of Wellington to 174 ft. westerly	Anytime
Mary	East	King to King William	Anytime."

7. That **Schedule 29 (No Stopping Areas)** of said By-law be amended adding thereto the following items, namely:-

"Catharine	West	Rebecca to Main	7-9 a.m. 4-6 p.m.	Mon-Fri Mon-Fri."

and by deleting therefrom the following items, namely:-

"Catharine	West	Rebecca to Main	Anytime."

8. That **Schedule 28 (Taxi Stands)** of said By-law be amended by adding thereto the following item, namely:-

"King (South Branch)	North	110 feet	John to Catharine	Anytime."

9. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this day of 1997.

CITY CLERK MAYOR

BILL NO. A-39

BY-LAW NO. 97 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 23 (Hamilton Street Railway)** of By-law 89-72, To Regulate Traffic, passed on the 28th day of February 1989, is hereby amended by adding to the **Inbound** column thereof the following item, namely:-

"Nash Road, 545' north of Denten (MB)."

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

BILL NO. A-40

BY-LAW NO. 97 -

TO AMEND BY-LAW NO. 89-72 TO REGULATE TRAFFIC

THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

TRAFFIC

1. **Schedule 25 (Parking Time Limits)** of By-law 89-72 To Regulate Traffic, passed on the 28th day of February, 1989, is hereby amended by adding thereto the following items, namely:-

"Devonport	East	Tom to 171 feet south of York	1 hr.	8 am - 9 pm	Mon - Sun
Devonport	West	Tom to York	1 hr.	8 am - 9 pm	Mon - Sun
Nelson	South	Locke to Pearl	1 hr.	8 am - 8 am (24 hrs)	Mon - Sun
Ferguson	East	commencing 30 feet south of Hunter and extending 115 feet southerly therefrom	1 hr.	8 am - 8 am (24 hrs)	Mon - Sun
Ferguson	West	commencing 31 feet south of Hunter and extending 91 feet southerly therefrom	1 hr.	8 am - 8 am (24 hrs)	Mon - Sun
Keith	North	Wentworth to 157 feet westerly	1 hr.	8 am - 8 am (24 hrs)	Mon - Sun
Keith	South	Wentworth to 162 feet westerly	1 hr.	8 am - 8 am (24 hrs)	Mon - Sun."

and by deleting therefrom the following items, namely:-

"Devonport	Both	Tom to York	1 hr.	8 am - 8 am (24 hrs)	Mon - Sun
Devonport	East	commencing at a point 171 feet south of York to Tom	1 hr.	8 am - 5 pm	Mon - Fri
Devonport	West	Tom to York	1 hr.	8 am - 5 pm	Mon - Fri
Ferguson	East	commencing at a point 30 feet south of Hunter to a point 115 feet southerly therefrom	1 hr.	8 am - 6 pm	Mon - Sat
Ferguson	West	commencing at a point 31 feet south of Hunter to a point 91 feet southerly therefrom	1 hr.	8 am - 6 pm	Mon - Sat."

2. **Schedule 26 (No Parking Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Roanoke	North	commencing 92 feet east of Paradise and extending to the easterly end	Anytime
Roanoke	South	from Paradise to the easterly end	Anytime
Hunter	North	commencing at Locke and extending 87 feet westerly therefrom	Anytime."

3. **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Fairfield	East	commencing 216 feet south of Britannia and extending 24 feet southerly therefrom	Anytime
Montmorency	North	commencing 312 feet west of the extended west curb line of Montmorency and extending 18 feet westerly therefrom	Anytime
Hunter	North	commencing 87 feet west of Locke and extending westerly to Poulette	Anytime."

and by deleting therefrom the following item, namely:-

"Fairfield	East	commencing 343 feet south of Britannia and extending 18 feet southerly therefrom	Anytime
Park Row	East	commencing at a point 79 feet south of Roxborough to a point 21 feet southerly therefrom	Anytime
Hunter	North	Poulette to Locke	Anytime
Province	East	from a point 62 feet north of Cannon to a point 20 feet northerly therefrom	Anytime."

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

Bill No. A-41

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO ALTER LIMERIDGE ROAD AT ITS INTERSECTION WITH THE RED HILL CREEK EXPRESSWAY ON THE EAST AND WEST SIDES OF UPPER JAMES STREET, UPPER WENTWORTH STREET AND UPPER GAGE AVENUE

WHEREAS the Council of the Corporation of the City of Hamilton is empowered under Section 297 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, to pass by-laws to alter any highway under its jurisdiction;

AND WHEREAS the Council of the Regional Municipality of Hamilton-Wentworth proposes to close Limeridge Road at its intersection with the Red Hill Creek Expressway;

AND WHEREAS it is necessary to alter Limeridge Road at its intersection with the Red Hill Creek Expressway, east and west of Upper James Street, Upper Wentworth Street and Upper Gage Avenue;

AND WHEREAS the Council of the Corporation of the City of Hamilton at its meeting held on 24 June 1997, in adopting Section of the th Report of Transport and Environment Committee, authorized the alteration of Limeridge Road;

AND WHEREAS Notice of this by-law was published has been published once a week for four successive weeks;

AND WHEREAS the Council of the Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, whether in objection to, or in support of this by-law.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The alteration of Limeridge Road at its intersection with the Red Hill Creek Expressway on the west side of each of Upper James Street, Upper Wentworth Street and Upper Gage Avenue by the construction of a cul-de-sac, be proceeded with.

2. The alteration of Limeridge Road at its intersection with Ridge Street, the westerly entrance to the Limeridge Mall and with Birchview Drive, be altered by closing the westerly approach, be proceeded with.

3. The proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to implement these works.

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A- 42

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 1 & 6 ON PLAN 62R-14013
INTO PRITCHARD ROAD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Pritchard Road within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Pritchard Road.

   Part of Lot 34, Concession 7 in the geographic Township of Saltfleet designated as Parts 1 & 6 on Plan 62R-14013.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A- 43

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 13 ON PLAN 62R-11742
INTO LIMERIDGE ROAD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Limeridge Road within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Limeridge Road.

   Part of Lot 10, Concession 7 in the geographic Township of Saltfleet designated as Parts 13 on Plan 62R-11742.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A-44

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 1 ON PLAN 62R-13866
INTO LORENZO DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Lorenzo Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Lorenzo Drive.

   Part of Lot 13, Concession 7 in the geographic Township of Barton designated as Part 1 on Plan 62R-13866.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A-45

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 1 ON PLAN 62R-13265
INTO CHESLEY STREET

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Chesley Street within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Chesley Street.

   Part of Lot 16, Concession 8 in the geographic Township of Barton designated as Part 1 on Plan 62R-13265.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A- 46

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK B ON PLAN M-47
INTO ROUGE HILL COURT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Rouge Hill within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Rouge Hill Court.

   All of Block B on Plan M-47.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A-47

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 14 ON PLAN 62M-801
INTO BOLZANO COURT

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Bolzano Court within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Bolzano Court.

   All of Block 14 on Plan 62M-801.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A-48

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO AUTHORIZE THE SALE OF CITY LANDS DESCRIBED AS PARTS 1 TO 3 INCLUSIVE ON PLAN 62R-10952 BEING LANDS RESERVED FOR STREET AS CLOSED BY JUDGE'S ORDER VM142967 ON REGISTERED PLAN 851 NOW KNOWN AS 45 OWEN PLACE AND PARTS 2 AND 3 ON PLAN 62R-11410 BEING PART OF LEAWAY AVENUE AS CLOSED BY JUDGE'S ORDER VM160037 NOW KNOWN AS 817 & 821 STONE CHURCH ROAD EAST

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297 of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 29 of the 4th Report and Items 26 & 27 of the 3rd Report of the Transport & Environment Committee on 1997 April 29 and 1997 March 11 respectively authorized the City to sell properties described as the "Reserved for Street" on Registered Plan 851, said street having been closed by Judge's Order Registered as Instrument Number 142967, being Parts 1 to 3 inclusive on Plan 62R-10952, now known as 45 Owen Place and part of Leaway Avenue, Registered Plan 1059, said Leaway Avenue having been closed by Judge's Order Registered as Instrument Number 160037, described as Parts 2 and 3 on Plan 62R-11410 now known as 817 and 821 Stone Church Road East.

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described lands;

AND WHEREAS notice of the City's intention to pass this By-Law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the sale of the property described as the closed "Reserved for Street" on Registered Plan 851, described as Parts 1 to 3 inclusive on Plan 62R-10952, now known as 45 Owen Place.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

   Be hereby authorized.

2. That Part 1, Plan 62R-10952 be offered to abutting owner(s) at 41 Owen Place for a sum of $28,550 and Parts 2 and 3 on Plan 62R-10952 be offered to abutting owner(s) at 49 Owen Place for a sum of $28,550.

(cont'd pg 2)

3. In the event the owners in Item 2 above do not accept the offers within thirty (30) days of passing of this By-Law, that the soil and freehold of said lands described in Item 1 of this By-Law (along with other City land being Parts 4 to 6 inclusive on Plan 62R-10952) be sold to John W. Mudjar and Mary E. Mudjar for the sum of $57,100, in accordance with the provisions of the agreement dated 1997 April 10.

4. That the sale of the property described as part of closed Leaway Avenue described as Part 3 on Plan 62R-11410 now known as 817 Stone Church Road East.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

   Be hereby authorized.

5. That Part 3, Plan 62R-11410 be offered to abutting owner(s) at 813 Stone Church Road East for a sum of $30,010.

6. In the event the owners in Item 5 above do not accept the offers within thirty (30) days of passing of this By-Law, that the soil and freehold of said lands described in Item 4 of this By-Law (along with other City land being Part 4 on Plan 62R-11410) be sold to Racing Construction Limited for the sum of $30,010 in accordance with the provisions of the agreement dated 1997 February 20.

7. That the sale of the property described as part of closed Leaway Avenue described as Part 2 on Plan 62R-11410 now known as 821 Stone Church Road East.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

   Be hereby authorized.

8. That Part 2, Plan 62R-11410 be offered to abutting owner(s) at 823 Stone Church Road East for a sum of $30,010.

9. In the event the owners in Item 8 above do not accept the offers within thirty (30) days of passing of this By-Law, that the soil and freehold of said lands described in Item 7 of this By-Law (along with other City land being Part 5 on Plan 62R-11410) be sold to Mario Restauri for the sum of $30,010 in accordance with the provisions of the agreement dated 1997 February 20.

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. *B-2*

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend By-law No. 92-213

Respecting

THE RESTORATION OF THE STEAM MUSEUM PUMPHOUSE

WHEREAS By-law No. 92-213 was enacted by Council on August 25, 1992 to authorize the Steam Museum Pumphouse Restoration at a cost of $550,000.00 and to authorize the sale of debentures in the amount of $550,000.00;

AND WHEREAS the City and the Government of Canada entered into a cost sharing agreement to restore the pumphouse at a total cost of $1,100,000.00;

AND WHEREAS the Government of Canada contributed $550,000 to the restoration project;

AND WHEREAS Council, on April 29, 1997, in adopting Section 8 of the 4th Report of the Parks and Recreation Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

The gross project cost of the Restoration of the Steam Museum is amended as follows:

Project	Gross Cost	Federal & Provincial Subsidies	Debenture Amount	Term of Debenture
Steam Museum Pumphouse Restoration	$1,100,000	$550,000	$550,000	20 years

PASSED this day of , 1997.

CITY CLERK MAYOR

Bill No. C- 34

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 412 ABERDEEN AVENUE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 139, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" are amended to the extent only of the special requirements that,

(a) notwithstanding Section 10.(1) of Zoning By-law No. 6593, the following shall be permitted:

(i) the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books carried on for remuneration entirely within the existing dwelling by an owner residing in the dwelling unit as their principal place of residence, subject to the following requirement:

(a) the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books shall be located on the ground floor of the existing building, with a maximum floor area of 84 m^2 (895 sq. ft.); and,

(ii) one non-illuminated business identification sign which is a name plate or a ground sign, subject to the following requirements:

(a) the area of any sign shall not exceed 0.2 m^2 (2.15 sq. ft.);

(b) a ground sign shall be located a minimum of 3.0 m (9.84 ft.) from the front lot line and east side lot line; and,

(c) a ground sign shall have a maximum height of 1.0 m (3.28 ft.).

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1381.

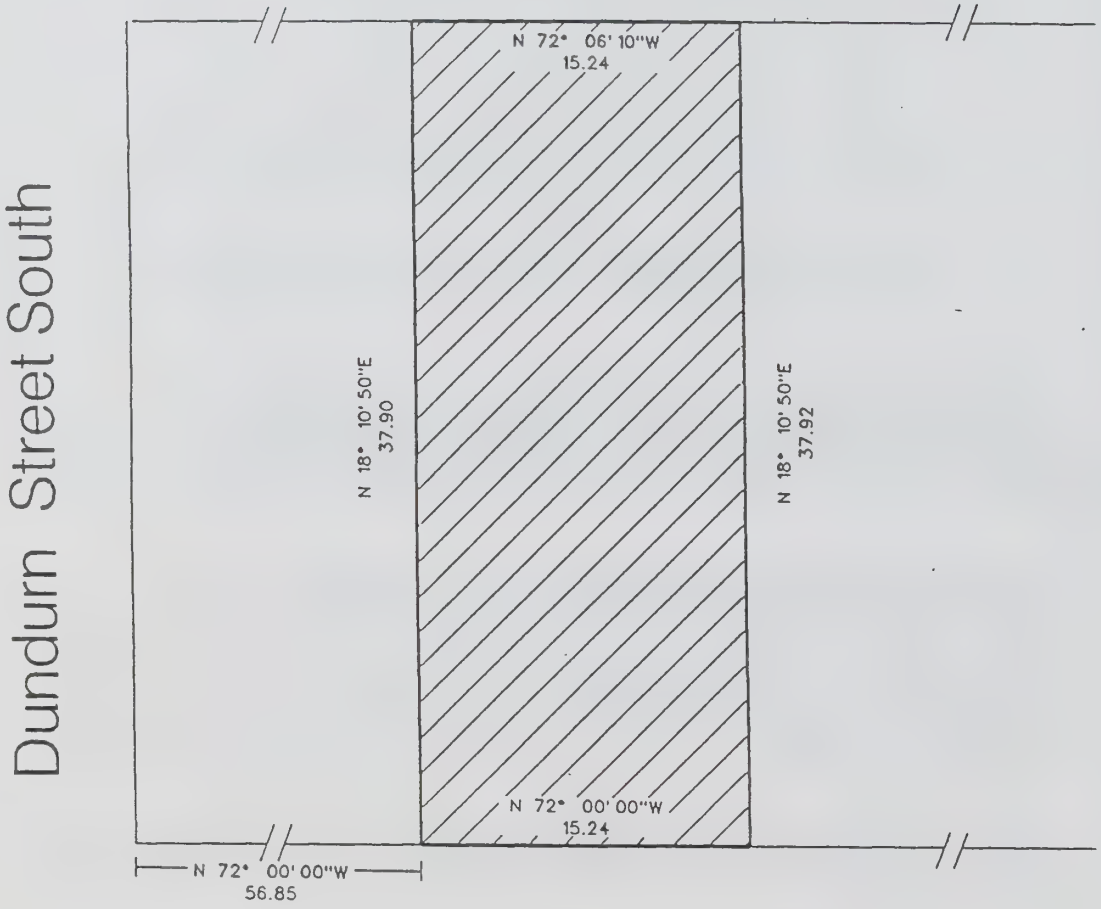
4. Sheet No. W-14 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1381.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 9 R.P.D.C. 1, May 27
Whatmough Management Inc. (S. Whatmough), Owner
ZAC-97-11



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map forming Part of
By-Law No. 97-.....
to amend By-Law No.6593

Planning and Development Department

Legend

Lands to be regulated by
By-Law No. 97-.....

North	Scale	Reference File No.
22	Not to Scale	ZAC-97-11
	Date	Drawn By
	May 1997	D.L.

Bill No. C-35

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Adopt:

Official Plan Amendment No. 139

Respecting:

LANDS LOCATED AT 412 ABERDEEN AVENUE WITHIN THE KIRKENDALL NORTH NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 139 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 9 R.P.D.C. 1, May 27
Whatmough Management Inc. (S. Whatmough), Owner
ZAC-97-11/412 Aberdeen Avenue

Amendment No. 139

to the

City of Hamilton Official Plan

The following text, together with Schedule "B-1" - Other Special Policy Areas, attached hereto, constitute Official Plan Amendment No. 139.

Purpose:

The purpose of this Amendment is to establish a "Special Policy Area" within the "Residential" designation to permit the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books within the ground floor of the existing residential structure.

Location:

The lands affected by this Amendment are for the property known municipally as No. 412 Aberdeen Avenue, within the Kirkendall North Neighbourhood.

Basis:

The basis for permitting the proposed uses, the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books within the existing residential structure, is as follows:

1) The proposed use is appropriately located on a major arterial road and immediately adjacent to an existing retail commercial node;

2) The proposed commercial/residential land use mix for the subject property is a suitable transition between the residential uses to the east and the commercial uses to the west;

3) The proposed use is compatible with the adjacent residential neighbourhood as no changes will occur to the exterior facade of the residential structure and a residential unit will be maintained within the structure; and,

4) The intended market scope of the proposed use is for local neighbourhood residents within walking distance of the subject property.

Actual Changes:

1. The following new policy be added to Subsection A.2.9.3 - Other Policy Areas as Policy A.2.9.3.67:

   "In addition to the permitted uses set out in Subsection A.2.1 - Residential Uses, for those lands shown on Schedule "B-1" as SPECIAL POLICY AREA 72, and located at 412 Aberdeen Avenue, the sale or lending of new books and a second-hand goods shop involving only the sale or lending of used books on the ground floor will be permitted."

2. The following be added to Schedule "B-1" - Other Special Policy Areas:

   - Special Policy Area 72; and;
   - "Area 72 refer to Policy A.2.9.3.67" in the legend, as shown on the attached Schedule "B-1" of this Amendment.

Implementation:

A Zoning By-law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 97- , passed on the day of , 1997.

The Corporation of the

City of Hamilton

City Clerk

Mayor

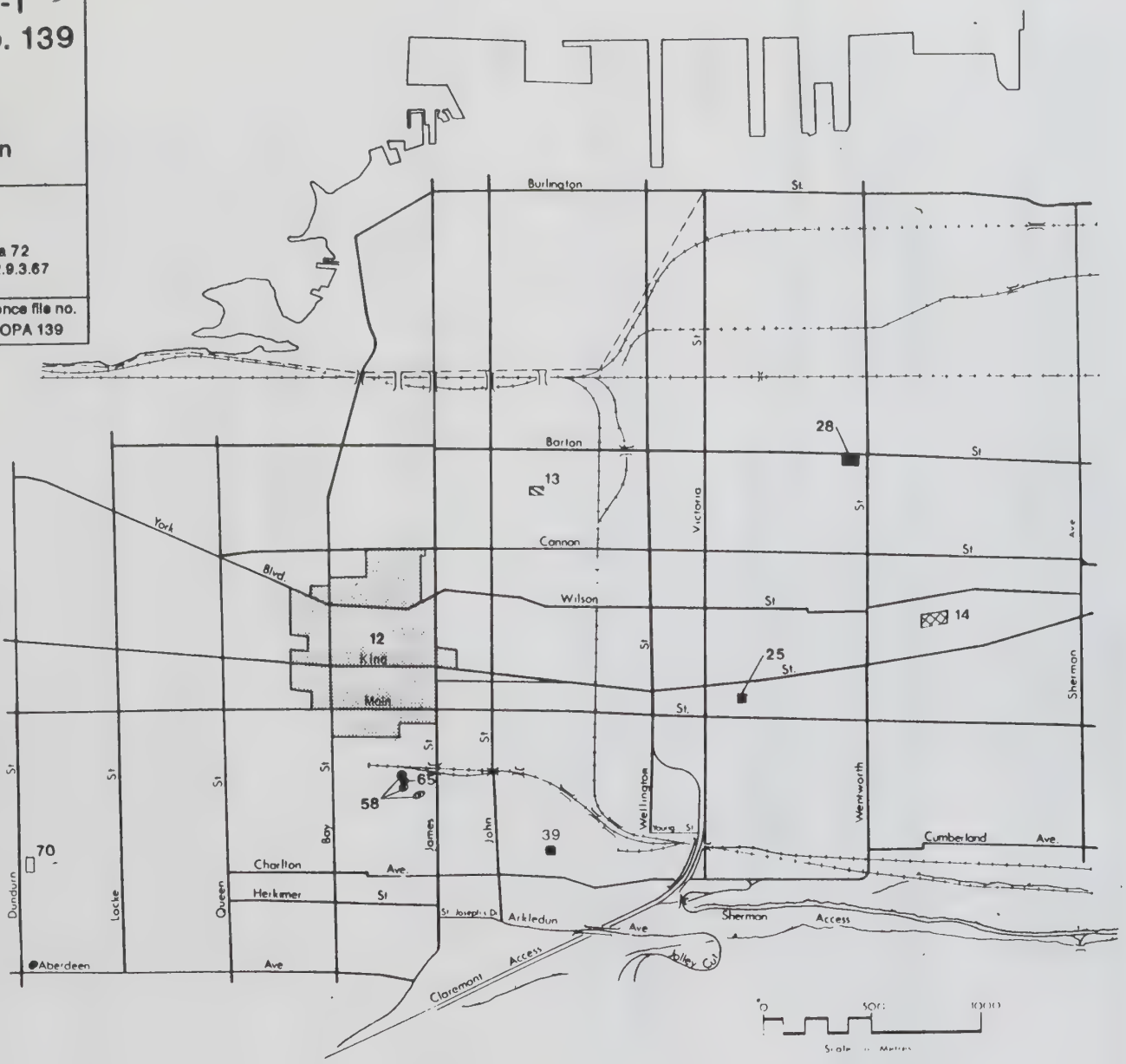
35

schedule B-1 amendment no. 139 to the official plan for the city of hamilton

legend

Special Policy Area 72
Refer to Policy A.2.9.3.67

date	drawn by	reference file no.
May. 1997	D.W.	OPA 139



other special policy areas

legend

- 12 — refer to policy A.2.9.3.10
- 13 — refer to policy A.2.9.3.11
- 14 — refer to policy A.2.9.3.12
- 15 — refer to policy A.2.9.3.13
- 25 — refer to policy A.2.9.3.20
- 28 — refer to policy A.2.9.3.23
- 39 — refer to policy A.2.9.3.34
- 58 — refer to policy A.2.9.3.53
- 65 — refer to policy A.2.9.3.60

schedule B-1

to the official plan for the city of hamilton

May. 1997

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 89-246

Respecting:

LAND LOCATED AT THE SOUTH-WEST CORNER OF RYMAL ROAD EAST AND RYCKMAN STREET KNOWN MUNICIPALLY AS NO. 30 RYMAL ROAD WEST

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 89-246 on the 29th day of August 1989 to change the zoning and to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "G-4" District, in respect of the land located at the south-west corner of Rymal Road East and Ryckman Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Ontario Municipal Board by its Order, dated the 5th day of June 1997, (Files No. Z 960074;O 960190), directed that By-law No. 89-246 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 138, approved by the Ontario Municipal Board by its Order, dated the 5th day of June 1997, (Files No. Z 960074;O 960190).

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 2 of By-law No. 89-246 is amended by deleting clause (a) and replacing it with the following:

"(a) notwithstanding Section 13D.(1)B.(iv) of Zoning By-law No. 6593, the following COMMERCIAL USE shall be permitted:

1. Restaurant or refreshment room without dancing or other entertainment except music, on the following basis:

(i) a maximum of two restaurants with a total maximum gross floor area not to exceed 287.7 m^2 (3000 square feet) and a total maximum seating capacity of 80; and

(ii) no one restaurant can exceed 185.8 m^2 (2000 square feet);"

2. Section 2 of By-law No. 89-246 is amended by adding thereto new clauses (b) and (c), as follows:

"(b) notwithstanding Section 13D.(1)B.(xvia) of Zoning By-law No. 6593, the following COMMERCIAL USE shall not be permitted:

1. A gun shop;

(c) notwithstanding Section 13D.(1)B. of Zoning By-law No. 6593, the following COMMERCIAL USES shall be permitted:

1. Any use permitted in Section 14A of Zoning By-law No 6593, with the exception of the following:

(i) a brewers warehouse;
(ii) a liquor dispensary;
(iii) a hotel;
(iv) a tavern;
(v) a bowling alley;
(vi) a billiard room
(vii) a shooting gallery;
(viii) a penny arcade;
(ix) a public hall;
(x) a music hall;
(xi) a theatre;
(xii) other place of amusement;
(xiii) a massage parlour;
(xiv) a public bath;
(xv) an auctioneer's premise;
(xvi) an auto body repair or auto body paint shop;
(xvii) a billboard;
(xviii) a roof sign;
(xix) an automotive service station
(xx) a car wash in conjunction with an automobile service station;
(xxi) a public parking lot;
(xxii) a fraternity or sorority house;
(xxiii) a labour union hall;
(xxiv) a district yard;
(xxv) a college or university;
(xxvi) a brew you own beer and wine shop;
(xxvii) a butcher shop."

3. Section 2 of By-law No. 89-246 is amended by relettering clauses (b), (c) and (d) as (d), (e) and (f), respectively.

4. Clause (e) of Section 2 of By-law No. 89-246, as relettered, is amended by changing the letter "(b)" to "(d)" in the fifth line.

5. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-4" District provisions, subject to the special requirements referred to in section 2 of By-law No. 89-246 and sections 1 and 2 of this by-law.

6. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1123a.

7. Sheets No. E-9D and E-9E of the District Maps are amended by marking the lands referred to in section 1 of By-law No. 89-246, S-1123a.

8. In all other respects, By-law No. 89-246 is hereby confirmed, unchanged.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

P. and J. Zourntos, P. Hatzoglou,
A. Tuite and P. Mancini, Owners
Ontario Municipal Board Order, dated June 5, 1997

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Adopt:

Official Plan Amendment No. 138

Respecting:

LANDS LOCATED AT THE SOUTH-WEST CORNER OF RYMAL ROAD EAST AND RYCKMAN STREET KNOWN MUNICIPALLY AS NO. 30 RYMAL ROAD EAST WITHIN THE ALLISON NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 138 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

P. and J. Zourntos, P. Hatzoglou,
A. Tuite and P. Mancini, Owners
Ontario Municipal Board Order, dated June 5, 1997

Amendment No. 138

to the

City of Hamilton Official Plan

The following text constitutes Official Plan Amendment No. 138.

Purpose:

The purpose of this Amendment is to remove the prohibition of restaurant uses from the existing plaza located at No. 30 Rymal Road East.

Location:

The lands affected by this Amendment are located at the south-west corner of Rymal Road East and Ryckman Street, within the Allison Neighbourhood.

Basis:

The basis for permitting restaurant uses is as follows:

1) the implementing Zoning By-law will limit:

   (i) access to the property to the existing access points which do not include Ryckmans Street;

   (ii) the number and area occupied by restaurant uses; and,

   (iii) seating permitted in the restaurant(s);

   to minimize the potential for any negative spillover effects (ie. parking, noise, litter, etc.) in the adjoining neighbourhood.

2) this amendment implements the order of the Ontario Municipal Board with respect to the subject property.

Actual Changes:

Policy A.2.9.3.41 is amended to delete the words ", **such as restaurants,**" from the clause so that it now reads:

"Notwithstanding the permitted uses set out in Subsection A.2.2 - Commercial Uses, for those lands shown on Schedule "B" - Special Policy Areas, as SPECIAL POLICY AREA 46, and located at the south-west corner of Rymal Road East and Ryckman Street, high traffic generating uses will be prohibited. Further, vehicular access onto Ryckman Street from the affected lands will be prohibited."

Implementation:

A Zoning By-law Amendment will give effect to the intended use of the subject lands.

This is Schedule "1" to By-law No. 97- , passed on the day of , 1997.

The Corporation of the

City of Hamilton

City Clerk

Mayor

Bill No. C- 38

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Adopt:

Official Plan Amendment No. 140

Respecting:

LANDS WEST OF UPPER JAMES STREET, SOUTH OF STONE CHURCH ROAD WEST, MEWBURN NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 140 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 9 R.P.D.C. 2.A., May 27
Rosart Properties, Owner
ZAC-97-08

Amendment No. 140

to the

City of Hamilton Official Plan

The following text constitutes Official Plan Amendment No. 140.

Purpose:

The purpose of this Amendment is redesignate land in the Mewburn Neighbourhood for commercial development and to include the Special Policies for Upper James Street for the lands subject to this amendment.

Location:

The lands affected by this Amendment are located west of Upper James Street, south of Stone Church Road West, within the Mewburn Neighbourhood.

Basis:

The basis for permitting commercial development is as follows:

1) this amendment will allow for consolidation of Highway Commercial development on Upper James Street in Mewburn Neighbourhood;

2) the development is consistent and compatible with the adjoining commercial development to the south;

3) the development will be appropriately separated and distinct from the future planned residential development in the remainder of the neighbourhood; and,

4) the implementing Zoning By-law will establish guidelines to integrate the development into the Upper James Street Highway Commercial development.

Actual Changes:

1) Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Residential" to "Commercial", as shown on the attached Schedule "A" of this Amendment;

2) Schedule "B" - Special Policy Areas be revised by adding the lands shown as Block "1" to Special Policy Area 31, as shown on the attached Schedule "B" of this Amendment;

3) Schedule "B" - Special Policy Areas be revised by adding the lands shown as Block "2" to Special Policy Area 31b, as shown on the attached Schedule "B" of this Amendment; and,

4) Schedule "B" - Special Policy Areas be revised by redesignating the lands shown as Block "3" from Special Policy Area 31c to Special Policy Area 31b, as shown on the attached Schedule "B" of this Amendment.

Implementation:

A Zoning By-law Amendment will give effect to the intended use of the subject lands.

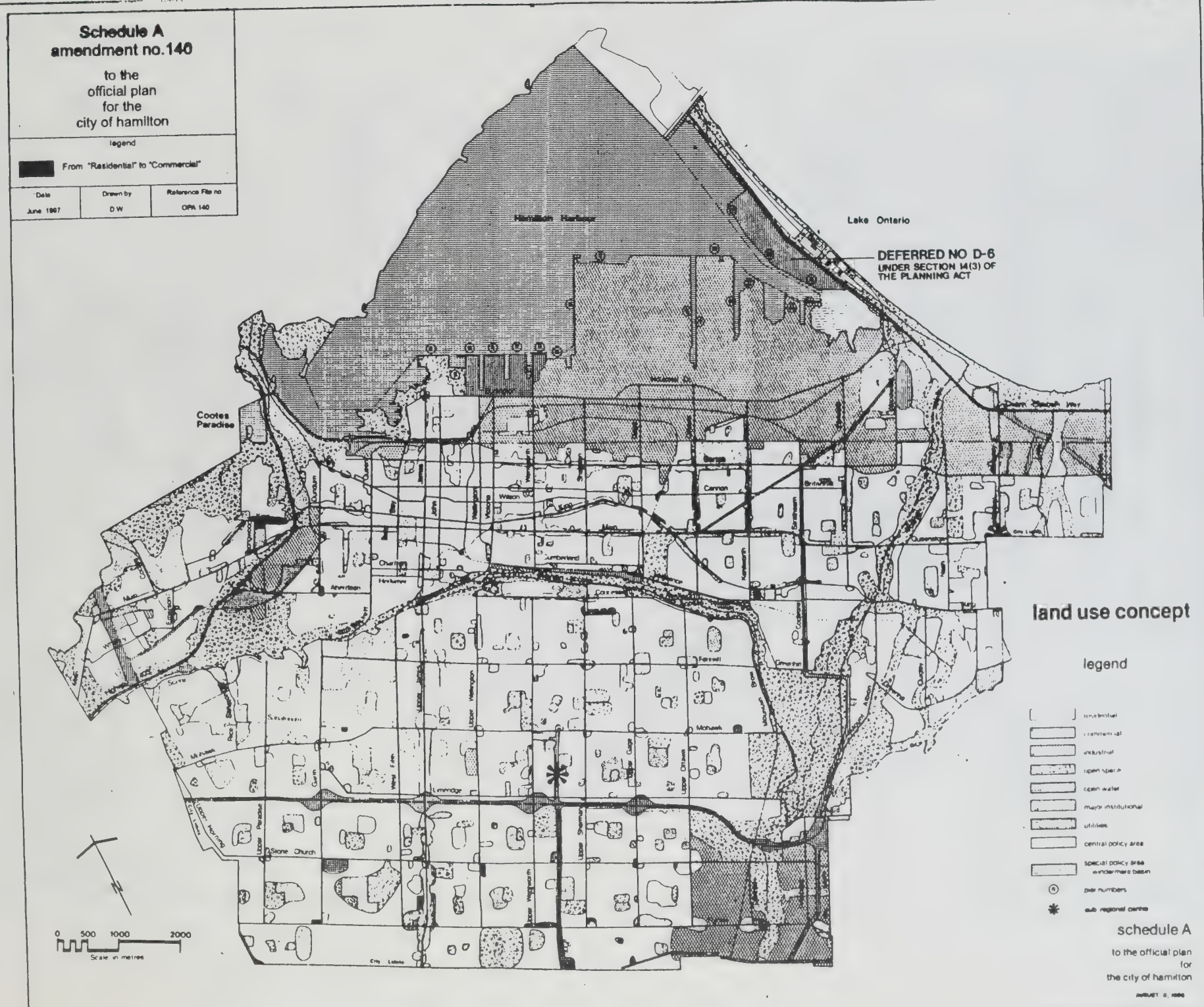
This is Schedule "1" to By-law No. 97- , passed on the day of , 1997.

The Corporation of the

City of Hamilton

City Clerk

Mayor


Schedule A
amendment no.140
to the
official plan
for the
city of hamilton
legend
From "Residential" to "Commercial"
Date
June 1997
Drawn by
D.W
Reference File no
OPA 140
Hamilton Harbour
Lake Ontario
DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT
Cootes
Paradise
Queen Elizabeth Way
Cannon
Wilson
Main
Aberdeen
Cumberland
Barton
Ferrell
Mohawk
Lemoine
Stone Church
0 500 1000 2000
Scale in metres
land use concept
legend
residential
commercial
industrial
open space
open water
major institutional
utilities
central policy area
special policy area
escarpment base
pier numbers
sub regional centre
schedule A
to the official plan
for
the city of hamilton

C-38

schedule B amendment no.140 to the official plan for the city of hamilton

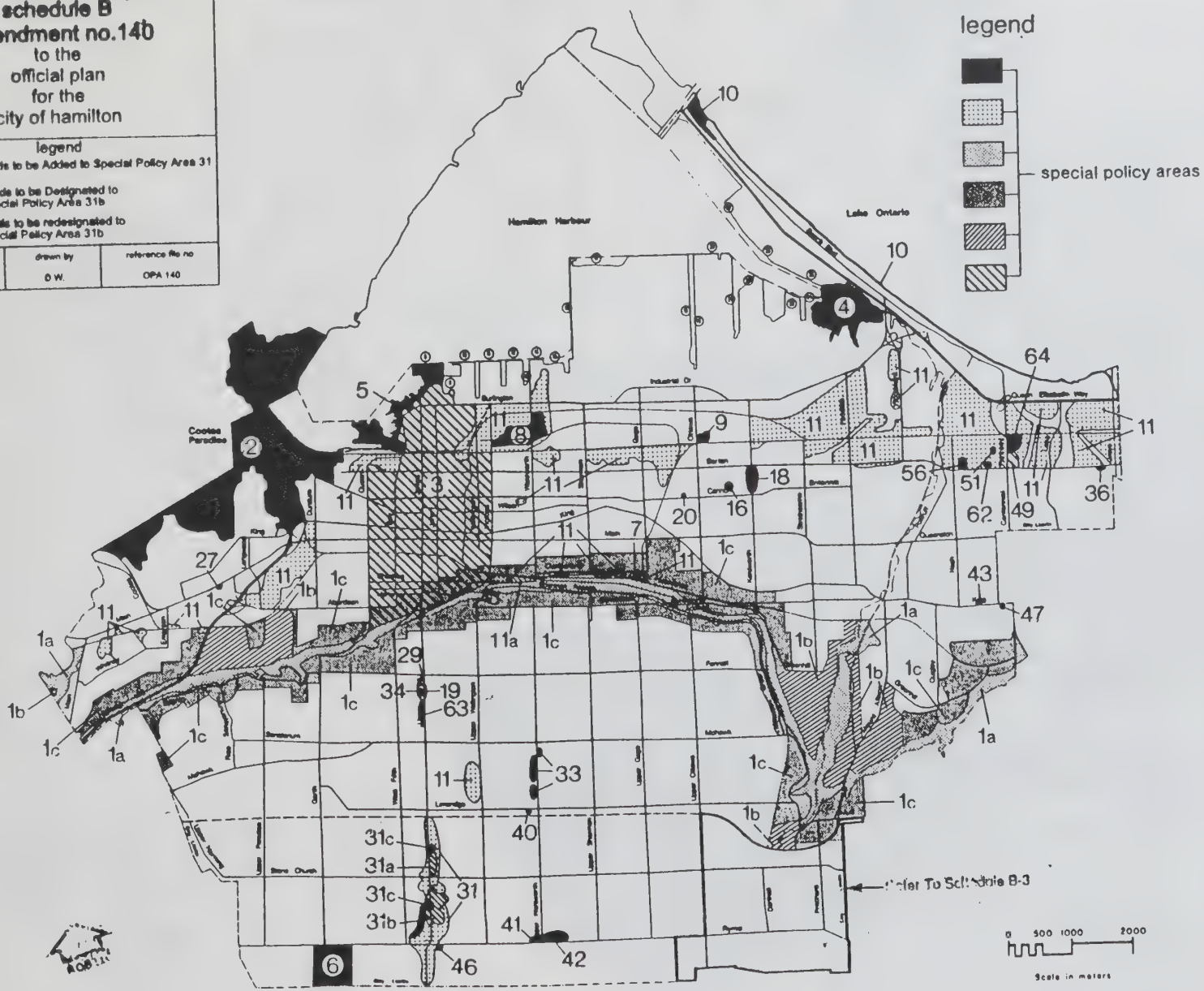
legend

Lands to be Added to Special Policy Area 31

Lands to be Designated to Special Policy Area 31b

Lands to be redesignated to Special Policy Area 31b

date	drawn by	reference file no
Jun 1997	D.W.	OPA 140



special policy areas

AREA	REFER TO POLICY
1(a)	A.2.9.1.
1(b)	A.2.9.1.
1(c)	A.2.9.1.
2	A.2.9.2.
3	A.2.9.3.
	A.2.9.3.1.
	A.2.9.3.2.
4	A.2.9.3.3.
5	A.2.9.3.4.
6	A.2.9.3.5.
7	A.2.9.3.6.
8	A.2.9.3.7.
9	A.2.9.3.8.
10	A.2.9.3.9.
11	A.2.9.3.9.
11(a)	A.2.9.3.14
16	"Deleted"
17	A.2.9.3.16
18	A.2.9.3.17
19	A.2.9.3.18.
20	A.2.9.3.21.
26	A.2.9.3.22
27	A.2.9.3.24
29	A.2.9.3.25
30	A.2.9.3.26
31	A.2.9.3.26
31(a)	A.2.9.3.26
31(b)	A.2.9.3.26
31(c)	A.2.9.3.27
32	A.2.9.3.28
33	A.2.9.3.29
34	A.2.9.3.30
35	A.2.9.3.31
36	A.2.9.3.32.
37	"Deleted"
38	A.2.9.3.35
40	A.2.9.3.36
41	A.2.9.3.37
42	A.2.9.3.38
43	A.2.9.3.40
45	A.2.9.3.41
46	A.2.9.3.42
47	"Deleted"
48	A.2.9.3.44
49	A.2.9.3.45
50	A.2.9.3.46
51	"Deleted"
53	"Deleted"
54	A.2.9.3.50
55	A.2.9.3.51
56	A.2.9.3.57
62	A.2.9.3.58
63	A.2.9.3.59.
64	

Refer to Schedule B-1 for Special Policy Areas in the Downtown

schedule B

to the official plan for the city of Hamilton

95 5 25

C-36

36

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE REAR OF MUNICIPAL NOS. 1170-1180 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9B of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "**AA**" (Agricultural) District to "**C**" - '**H**' (Urban Protected Residential, etc. - Holding) District, the land comprised in Block 1; and

(b) by changing from "**AA**" (Agricultural) District to "**C**" - '**H**' (Urban Protected Residential, etc. - Holding) District, the lands comprised in Block 2 and 3,

the extent and boundaries of each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A".

2. The "**C**" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands comprised in Blocks 2 and 3, are amended to the extent only of the special requirements that,

(a) notwithstanding Section 9.(3)(ii) of Zoning By-law No. 6593, a side yard of a width of not less than 2.4 m shall be provided and maintained along the entire southerly lot line of Block 2;

(b) a landscape area not less than 2.4 m in width shall be provided and maintained along the entire southerly boundary of Block 2, where the lot adjoins a commercial district;

(c) notwithstanding section 9 of Zoning By-law No. 6593, only a 4.52 m planting strip shall be permitted on Block 3.

3. (a) The 'H' symbol applicable to the lands comprised in Blocks 1, 2 and 3 shall be removed conditional upon the applicant applying for and receiving approval of a Plan of Subdivision by the Region of Hamilton-Wentworth and approval of a landscape plan by the Director of Planning and Development for Block 2;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "C" District provisions, subject to the special requirements referred to in section 2 of this by-law.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 2.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1366.

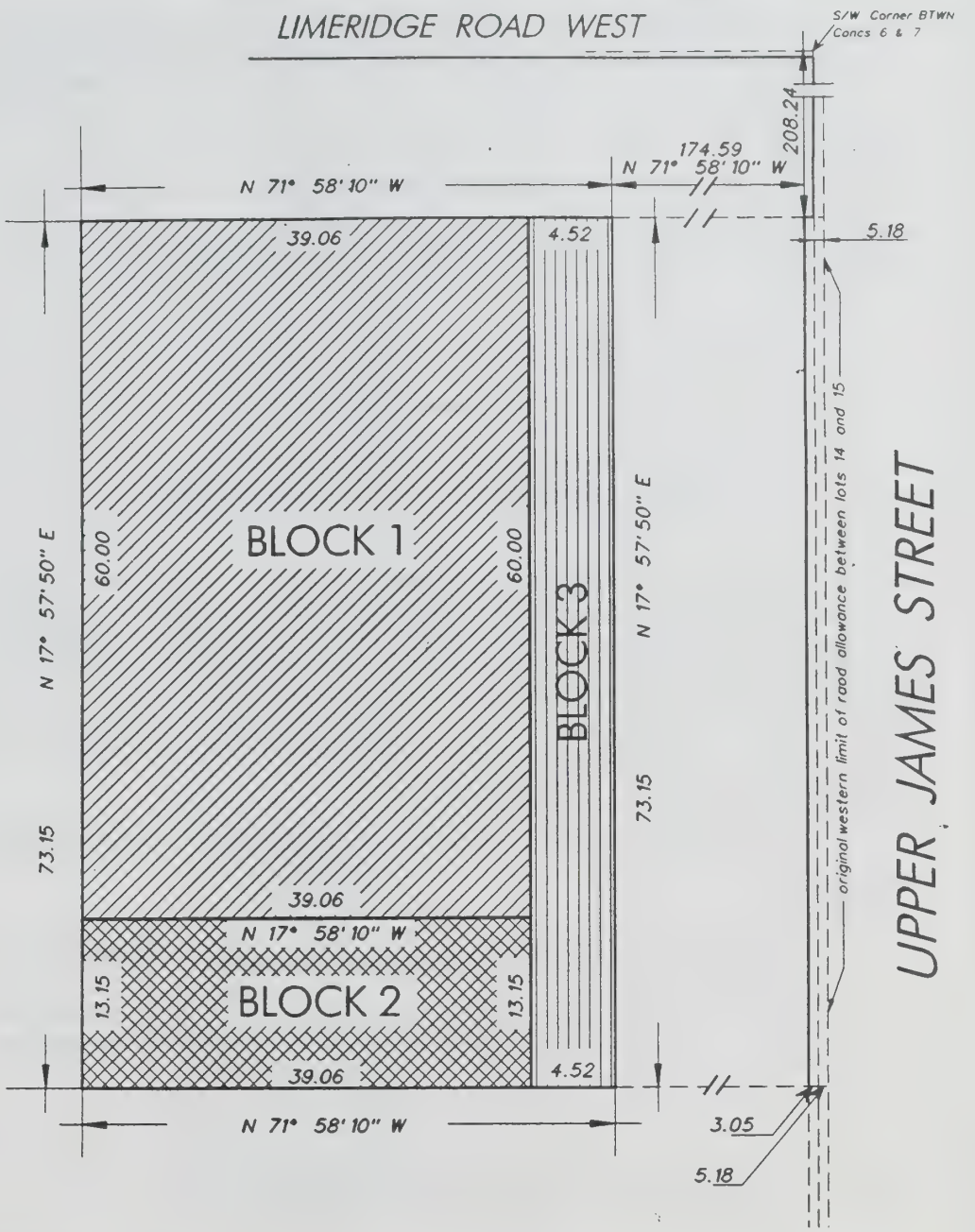
6. Sheet No. W-9B of the District Maps is amended by marking the lands referred to in section 1.(b) of this by-law, S-1366.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1996) 13 R.P.D.C. 1, August 27
Chambers Group, Owner
Amended ZAR-95-01



NOTE: All dimensions are in metres

This is Schedule "A" to By–Law No. 97–.....
Passed the ..... day of ....., 1997.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By–Law No. 97–____

to Amend By–Law No. 6593

Planning and Development Department

LEGEND

Proposed change in Zoning from:

BLK 1 — "AA" (Agricultural) District to "C"–'H' (Urban Protected Residential, etc. – Holding) District

BLK 2 — "AA" (Agricultural) District to "C"–'H' (Urban Protected Residential, etc. – Holding) District, Modified.

BLK 3 — "AA" (Agricultural) District to "C"–'H' (Urban Protected Residential, etc. – Holding) District, Modified.

North	Scale	Reference File No.
	NOT TO SCALE	ZA–95–01
	Date	Drawn By
	May 1997	W. B.

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED AT THE REAR OF MUNICIPAL NOS. 1170-1180 UPPER JAMES STREET

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

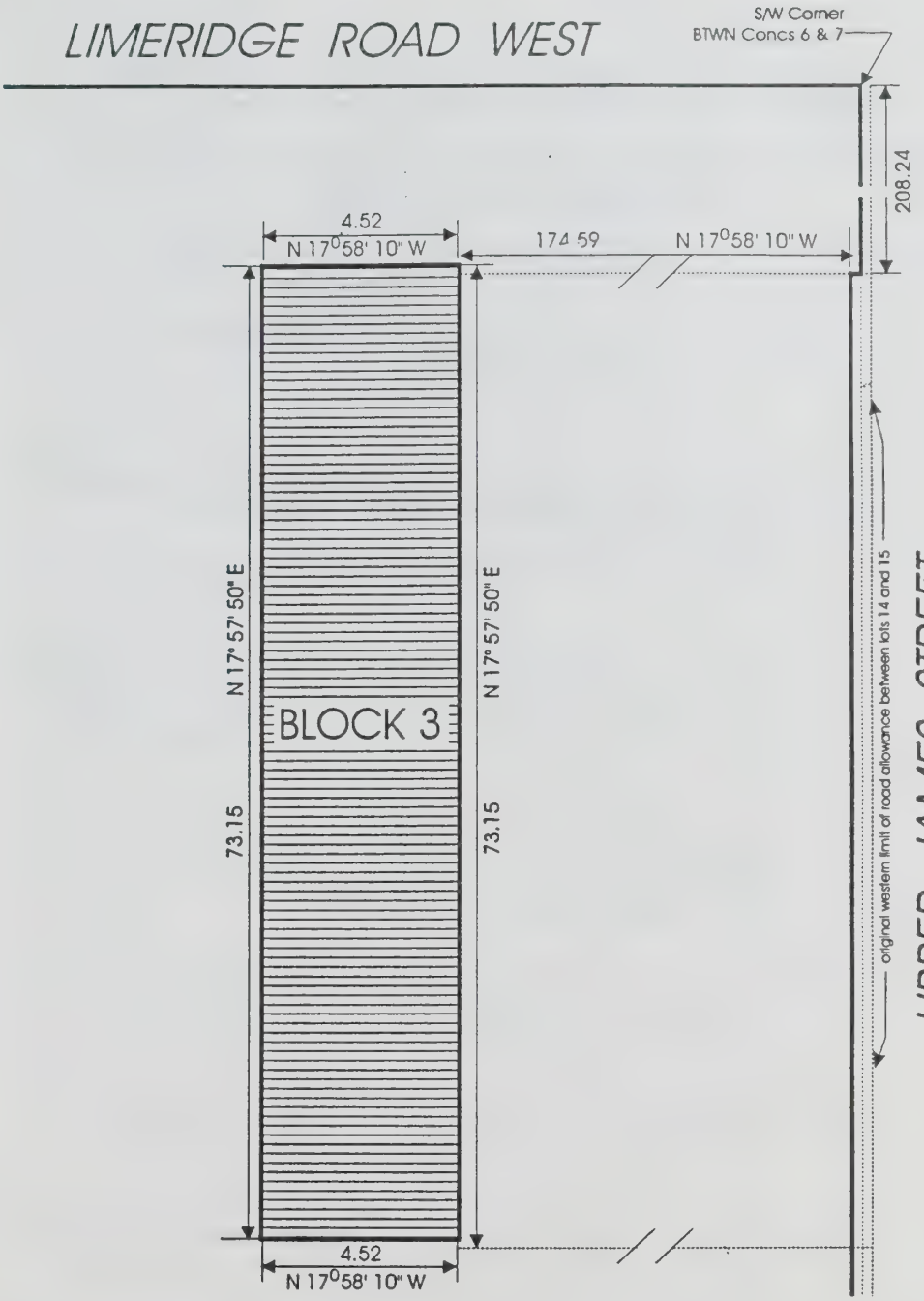
   163. Lands located at the Rear of Municipal Nos. 1170-1180 Upper James Street, shown on Appendix 163 hereto annexed and forming part of this by-law.

2. Appendix 163 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

(1996) 13 R.P.D.C. 1, August 27
Chambers Group, Owner
Amended ZAR-95-01



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ....., 1997.

..... Clerk

..... Mayor

City of Hamilton

Appendix 163

to By-Law No. 79-275

as Amended by By-Law No. 87-223

Planning and Development Department

Legend

Lands designated under this By-Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R.S.O., 1990.

North	Scale	Reference File No.
	Not to Scale	ZA-95-01
	Date	Drawn By
	MAY 1997	B.B.

The Corporation of the City of Hamilton

BY-LAW NO. 97—

To Remove
Land within the "Rymal Estates" Subdivision, Plan 62M-679
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. --** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. --** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. --** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. --** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. --** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of adjusting property lines to create 11 lots having a minimum lot width of 13.0 m from the existing 12 lots, shall not apply to the following lands:

Lots 67 to 78 inclusive within Registered Plan Number 62M-679, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

(b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

(c) This By-law shall expire on July 1, 1998.

PASSED this day of A.D. 1997.

City Clerk Mayor

Bill No. C-41

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED ON THE NORTH SIDE OF BARTON STREET WEST, EAST OF CROOKS STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-11 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

   (a) by changing from "K" (Heavy Industry, etc.) District to "L-mr-1" (Planned Development - Multiple Residential) District,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

(1997) R.P.D.C. , June 24
Kimshaw Holdings Limited, applicant
ZAR-97-15



Clerk

Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change In Zoning From:

"K" (Heavy Industry, etc.) District to "L-mr-1" (Planned Development - Multiple Residential) District

North	Scale	Reference File No.
	Not to Scale	ZAR-97-15
	Date	Drawn By
	June 1997	S.H.

The Corporation of the City of Hamilton

BY-LAW NO. 97 -

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED WEST OF UPPER JAMES STREET AND EAST OF WEST FIFTH STREET, THE REAR PORTION OF 1187 WEST FIFTH STREET AND 1514 UPPER JAMES STREET AND 1468-1500 UPPER JAMES STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. 140, proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-9D of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "RT-20" (Townhouse-Maisonette) District modified, to "G-1"-'H' (Designed Shopping Centre - Holding) District, the land comprised in Block 1;

(b) by changing from "AA" (Agricultural) District, to "G-1"-'H' (Designed Shopping Centre - Holding) District modified, the land comprised in Block 2;

(c) by changing from "C" (Urban Protected Residential, etc.) District, to "G-1"-'H' (Designed Shopping Centre - Holding) District modified, the land comprised in Block 3; and,

(d) by changing from "C" (Urban Protected Residential, etc.) District modified, to "G-1"-'H' (Designed Shopping Centre - Holding) District modified, the land comprised in Block 4,

the extent and boundaries of each of which Blocks 1, 2, 3 and 4 are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the land comprised in Blocks 1, 2, 3 and 4 shall be removed conditional upon,

(i) the applicant/owner receiving approval of a storm water management study for Blocks 1 and 2 by the Commissioner of the Regional Environment Department; and,

(ii) the applicant/owner applying for and receiving approval of a Site Plan Control Application from the City of Hamilton for Blocks 1, 2, 3 and 4;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands comprised in Blocks 1, 2, 3 and 4 may at such time proceed in accordance with the "G-1" District provisions.

3. The "G-1" (Designed Shopping Centre) District provisions, as contained in Section 13A of Zoning By-law No. 6593, applicable to the land comprised in Blocks 1, 2, 3 and 4 are amended to the extent only of the special requirement that,

(a) notwithstanding Section 13A.(1) of Zoning By-law No. 6593, only the following uses shall be permitted on Block 1:

(i) a day nursery;
(ii) a business or professional person's office;
(iii) a private club;
(iv) a library/museum;
(v) an art gallery; and,
(vi) a commercial school;
(vii) wall signs in accordance with the provisions of Section 13A.(1)(x) of Zoning By-law No. 6593;

(b) notwithstanding Section 13A.(4)(a) of Zoning By-law No. 6593, a front yard of a depth of not less than 6.0 m shall be provided and maintained along the entire easterly boundary of Blocks 3 and 4;

(c) notwithstanding Section 13A.(4)(a) of Zoning By-law No. 6593, no side yard shall be provided along the entire southerly boundary of Block 2;

(d) notwithstanding Section 13A.(1)(xii) of Zoning By-law No. 6593, only one (1) shopping centre identification sign or business identification sign that is a ground sign and having a vertical dimension of not more than 6.0 metres, an aggregate area of vertical projection of not more than 1.0 square metres per 0.5 metres of street frontage of the lot, and located not less than 4.5 m from the Upper James Street street line shall be permitted;

(e) notwithstanding clause 2.(2) J.(xb) of Zoning By-law No. 6593, one (1) directional sign at each point of ingress and egress, and each said sign of a size not exceeding 1.2 square metres (12.92 square feet) and the one ground sign referred to in the above clause (d) shall be permitted;

(f) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain the illumination;

(g) a minimum 6.0 m wide landscape area shall be provided and maintained along the entire easterly boundary of Blocks 3 and 4, except for any area used for driveway access;

(h) a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire westerly lot line of Block 2, except for any area used for pedestrian access;

(i) a planting strip not less than 6.0 m in width and a visual/acoustical barrier between 1.8 m and 2.0 m in height shall be provided and maintained along the entire northerly and westerly lot lines of Block 1;

(j) notwithstanding Section 13A.(4) of Zoning By-law No. 6593, no southerly side yard shall be provided for the covered walkway that extends westerly for 105 m from the easterly boundary of Block 1.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G-1" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1382.

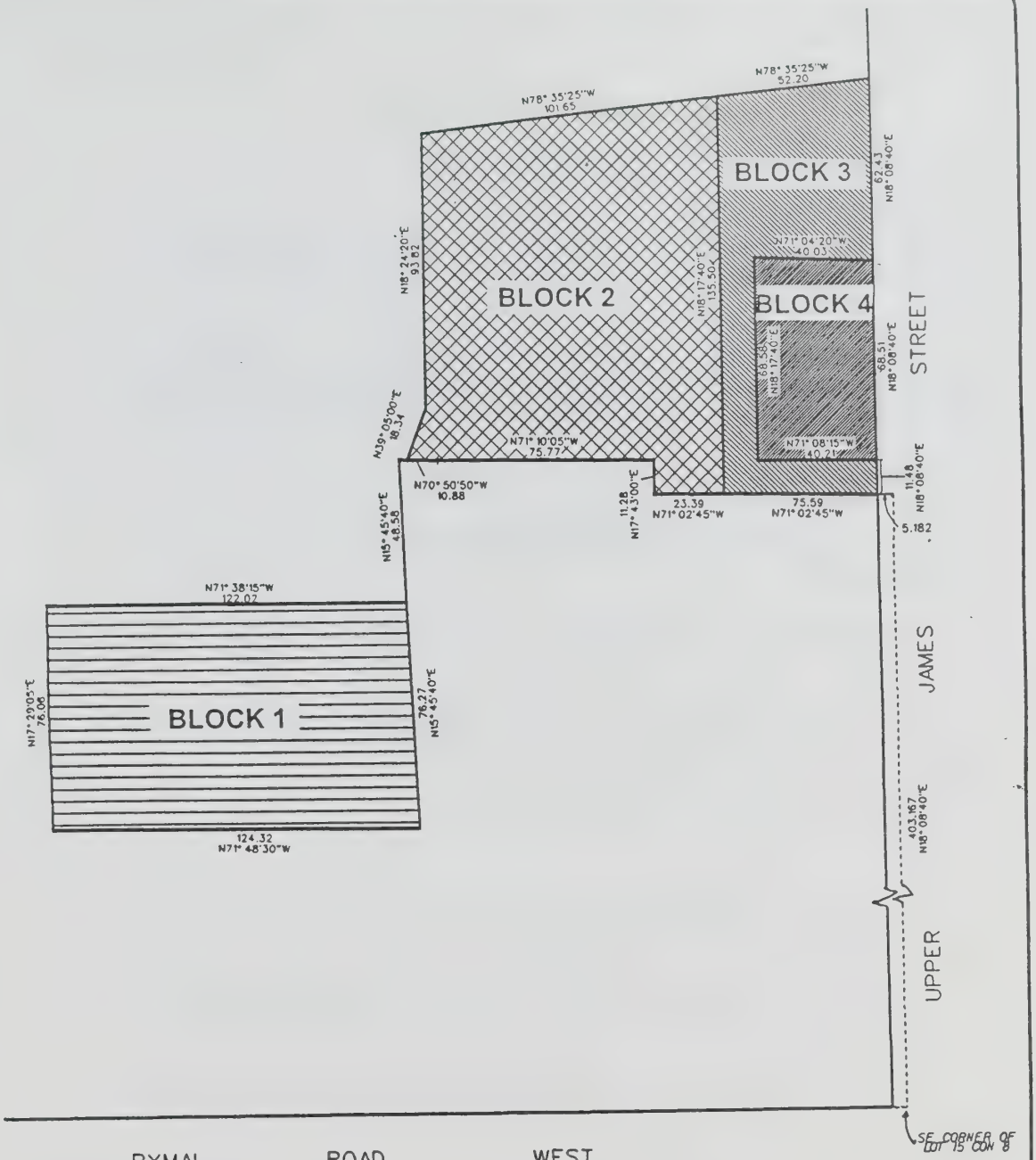
6. Sheet No. W-9D of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1382.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 9 R.P.D.C. 2.B., May 27
(1997) 10 R.P.D.C. 19, June 24
Rosart Properties, Owner
ZAC-97-08



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:

Block 1 — "RT-20" (Townhouse-Maisonette) District modified to "G-1" -'H' (Designed Shopping Centre-Holding) District modified;

Block 2 — "AA" (Agricultural) District modified to "G-1" -'H' (Designed Shopping Centre-Holding) District modified;

Block 3 — "C" (Urban Protected Residential, etc.) District modified to "G-1" -'H' (Designed Shopping Centre-Holding) District modified;

Block 4 — "C" (Urban Protected Residential, etc.) District modified to "G-1" -'H' (Designed Shopping Centre-Holding) District modified;

North	Scale	Reference File No.
	Not to Scale	ZAC-97-08
	Date June 1997	Drawn By D.L.

Bill No. C-43

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Adopt

THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

WHEREAS By-law No. 96-188, passed on the 12th day of November, 1996, designated the area shown on Schedule "A: thereto as a Community Improvement Project Area in accordance with subsection 28(2) of the Planning Act, R.S.O. 1990, Chapter P.13;

AND WHEREAS By-law No. 96-189 was enacted on the 12th day of November, 1996 to adopt the Downtown Hamilton Community Improvement Plan;

AND WHEREAS it is necessary to adopt a revised Downtown Hamilton Community Improvement Plan;

AND WHEREAS it is intended to adopt a Community Improvement Plan for the said area in accordance with subsection 28(4) of the said Act;

AND WHEREAS Council, on June 24, 1997, in adopting Section 3 of the 10th Report of the Planning and Development Committee, approved The Downtown Hamilton Community Improvement Plan and authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1 The Downtown Community Improvement Plan hereto annexed as Schedule "A" and forming part of this By-law is hereby adopted.

2. It is hereby authorized and directed that the approval of the Community Improvement Plan referred to in Section 1 shall include approval for the doing of all things for the purpose thereof.

3. This By-law comes into force and effect on the date of its approval by the Ministry of Municipal Affairs.

4. By-law No. 96-189 is hereby repealed.

PASSED this day of , 1997.

CITY CLERK MAYOR

\BYLAW\DOWNTOWN.3

DOWNTOWN HAMILTON

COMMUNITY IMPROVEMENT PLAN

1997 May 29

1. INTRODUCTION

The purpose of this Community Improvement Plan is two-fold: i) to provide the context for a co-ordinated municipal effort to improve the physical, economic and social climates of the Downtown; and ii) to meet the legislative requirements of the community improvement provisions of the Planning Act, Section 28 that allows a municipality to provide loans and grants as are stipulated in the Plan.

The initiatives identified in the Plan are intended to stimulate private investment, property maintenance and renewal in the Downtown. The focus of these initiatives, and of the Community Improvement Plan, is to foster an environment that will: increase the supply of residential units within the Downtown; ensure a viable Downtown population; encourage the provision of unique or specialized attractions and public facilities; encourage the location of community events; and, encourage public improvement such as streetscape improvements and pedestrian amenities.

The Community Improvement Plan is not intended to provide an exhaustive list of revitalization projects that may be undertaken to stimulate community improvement. The objective of the Plan is to provide a context for Downtown revitalization projects, and to guide the municipal decision-making process so that actions are undertaken that are supportive of, and instrumental in, encouraging Downtown renewal. This Plan provides a framework to better identify projects, and makes reference to many initiatives that have been previously identified for Downtown revitalization. These projects all involve many steps, and will, in some cases, require dedicated funding. Given the current economic realities, reliance on projects that will require public funding to encourage redevelopment and revitalization will not accomplish the goal of creating and maintaining a vibrant, healthy Downtown. The role of the municipality is to provide incentives and remove barriers for development. The Downtown Hamilton Community Improvement Plan can provide a context and reference point for developing specific community improvement projects, as well as identifying actions that can be undertaken in a more co-ordinated manner that will foster Downtown renewal.

Like many other municipalities across Ontario, the viability of Hamilton's downtown area has declined in recent years. Factors contributing to the decline are numerous and include the following:

- the absence of new housing developments;
- a system of traffic flows and patterns that is not as user-friendly for pedestrian and cyclists and urban street life;
- assessed property values that no longer reflect market property values;
- shifting consumer retail shopping preferences;
- the lingering economic recession and the "jobless recovery";
- consumer preferences for a suburban atmosphere or "way-of-life" as opposed to a central city ambience; and,

- minimal marketing promotion of the advantages of Downtown Hamilton to prospective businesses and potential residents;

Yet, in spite of Downtown Hamilton's recent difficulties, there is a tremendous untapped potential:

- a population base of some 26,000 residents;
- a personal Disposable household income of residents in excess of $500 million;
- slightly over 38,000 jobs located in the downtown;
- a strong entrepreneurial spirit among downtown merchants;
- a clear civic commitment from residents of downtown neighbourhoods;
- connections to the West Harbourfront Area and potential redevelopment;
- the Art Gallery of Hamilton, Central Public Library, Hamilton Place, duMaurier Centre, Copps Coliseum, Gore Park, Jackson Square, Hamilton Eaton Centre and City Hall which are all key anchors that underpin the vitality of the downtown community;
- the availability of low-cost customer parking; and,
- a stable population base and the socio-economic characteristics of downtown residents.
- high accessibility compared to some other major centres e.g. Toronto

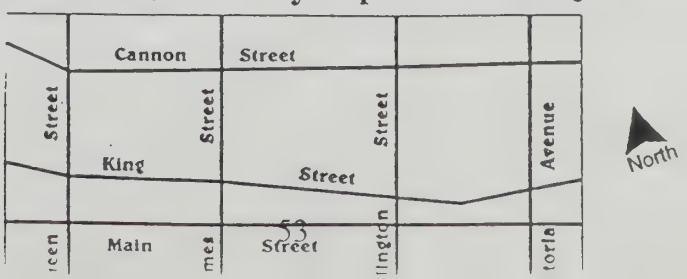
Since 1846, Downtown Hamilton has been the cultural, social and historical centre of the greater Hamilton community. In an era of "cookie-cutter" municipalities, a key strength of the City of Hamilton and the Region of Hamilton-Wentworth is its clearly identifiable City Centre - Downtown Hamilton. This area provides a unique urban ambience unparalleled in greater Hamilton. The strength and vitality of Hamilton's downtown is a clear signal of the strength and vitality of our community as a whole. The co-ordinated commitment to Hamilton's Downtown is a commitment from all citizens of Hamilton-Wentworth to the betterment of their community.

The challenges facing downtown Hamilton are challenges which face our broader community and cannot be ignored.

2. AREA OF COMMUNITY IMPROVEMENT PLAN

The Downtown Community Improvement Plan applies to the lands identified in the Downtown Community Improvement Project Area (CIPA). The CIPA is bounded northerly by Cannon Street, southerly by Hunter Street, westerly by Queen Street and easterly by Victoria Avenue (as identified in Figure 1).

*FIGURE 1.***The Downtown Community Improvement Project Area:**



3. VISION OF THE DOWNTOWN

Generally the City of Hamilton is striving to achieve the following Mission Statement:

> *"That the downtown be a community where people wish to live, work and visit".*

As such, it is important that the downtown provide the following elements:

- it is integrated, safe, and healthy;
- it links a number of communities and facilities together;
- it is easily accessible and encourages walking, stopping and parking;
- it is a community for young families, aging population, student population, professionals, knowledge workers, workers, regional functions, world class business innovators, visitors, and gentry;
- it offers destination shopping and niche marketing;
- it appeals to those looking for 'creature-comforts'; and,
- it appeals to growing trends in do-it-yourself, cottage industry, home-based businesses, arts and crafts, hobbyists, etc. (e.g. lifelong learning, wine making, gardening, culinary arts and cooking, etc.)

It has been a common theme that the ultimate objective in terms of achieving a specific result is to have more people in the downtown to spend and invest their money. By inference, if the City of Hamilton is successful in assisting in programs which bring a substantially higher number of people downtown and these people spend money and invest in downtown, it will become a viable regional centre.

The three components of the Mission Statement for the downtown should be targeted for special attention. While all three involve people, it is hoped that these three groupings form the basis of action and direction of the City of Hamilton.

a) Those People Who Live in Downtown

Much of the literature related to rejuvenation of downtown areas calls for increasing the amount of housing in the downtown area. The objective of the City in this sector will be to establish a comfortable, safe, and dynamic residential community.

Specific initiatives that have and are to be considered include:

- implementation of the Convert-to-Rent Program;
- investigate improved transit;

- initiate a marketing program to illustrate the affordability of moving in downtown Hamilton compared to locations closer to Toronto;
- investigate linkages between housing development in the downtown and access to the GO Station; and,
- fee rebates for new development and redevelopment projects, waiving the parking requirments and the 5% parkland dedication.

b) Those People Who Work Downtown

For this group of people, the ultimate objective is for them to either generate a profit in downtown or provide a specific service to those in the downtown core. Those groups who wish to generate a profit in downtown include existing businesses (retail, office, service sector, hotels), owners of existing buildings and owners of vacant land. Programs will have to be devised to enhance existing business operations and to attract new business ventures to the core.

Those who provide a service in the downtown area include: government, educational institutions, local churches, service organizations including the Social Planning & Research Council, hostels, food banks, etc.

There is a range of programs to consider for achieving these objectives. As successful programs are initiated in each of the other two sectors, (i.e. housing and visitors) those with an economic interest in downtown will benefit.

c) Those People Who Visit the Downtown

To the extent visitors can be attracted to the downtown area, additional dollars will flow to support downtown business operations. The marketing program should be targeted towards a range of visitor groupings, including those who live in the City of Hamilton and the immediate regional community, out of town visitors in Southern Ontario, the wider Provincial market and Canadian market, as well as international markets.

The intent of this exercise will be to build on the current strengths of the downtown area, develop such markets and broaden the catchment area for downtown facilities while at the same time trying to compete with distant markets to capture dollars which are currently flowing out of the community.

4. GOALS OF THE DOWNTOWN COMMUNITY IMPROVEMENT PLAN

The goals of the Downtown Hamilton Community Improvement Plan are:

a) to enhance the Downtown as a unique community and the Heart of the City and Region. The Downtown shall be a place where people are attracted to live, work and visit;

b) to encourage the preservation and enhancement of significant heritage resources;

c) to encourage and assist private property owners to rehabilitate buildings in the Downtown to ensure their long-term economic viability;

d) to focus municipal efforts that address the provision of streetscape improvements, municipal services and infrastructure; and,

e) to promote the continued development of the Downtown as the primary business, office, cultural and administrative centre for the City and Region.

5. OBJECTIVES OF THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN

The objectives of the Downtown Hamilton Community Improvement Plan are:

a) to promote the long-term stability and viability of the Downtown;

b) to encourage the co-ordination of municipal expenditures and planning and development activity;

c) to stimulate private property maintenance and reinvestment activity;

d) to enhance the visual quality of the Downtown through the recognition and protection of heritage buildings;

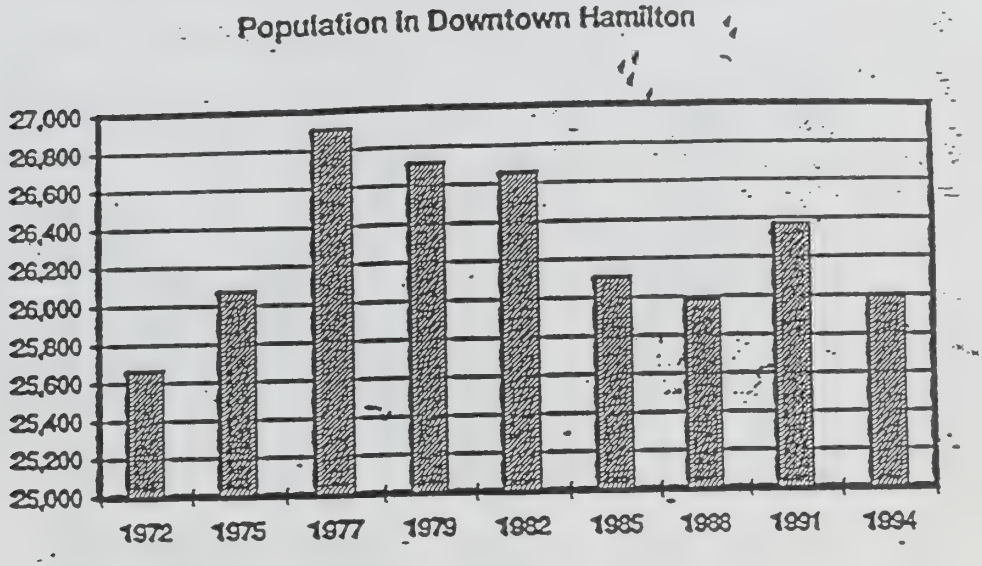
e) to upgrade physical services and social and recreation facilities; and,

f) to provide for streetscaping, servicing and building rehabilitation and improvements to enhance the Downtown, and encourage complementary revitalization or redevelopment through private investment.

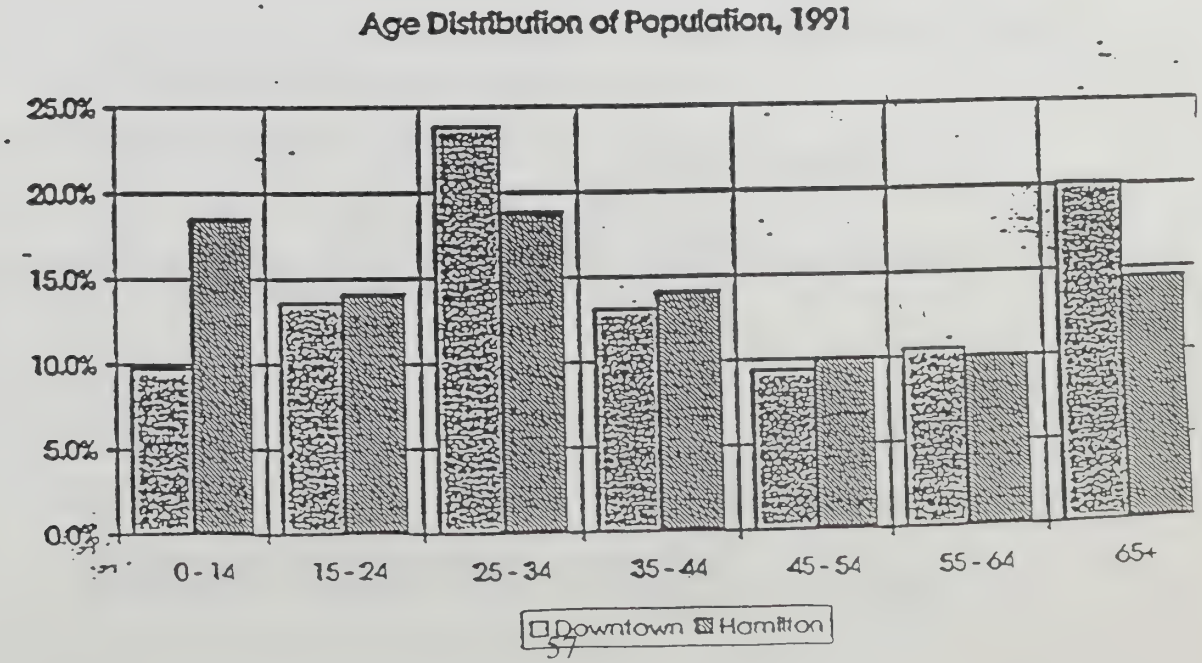
6. THE DOWNTOWN AREA - DEMOGRAPHIC ANALYSIS

The following is a summary of major demographic trends affecting the Downtown.

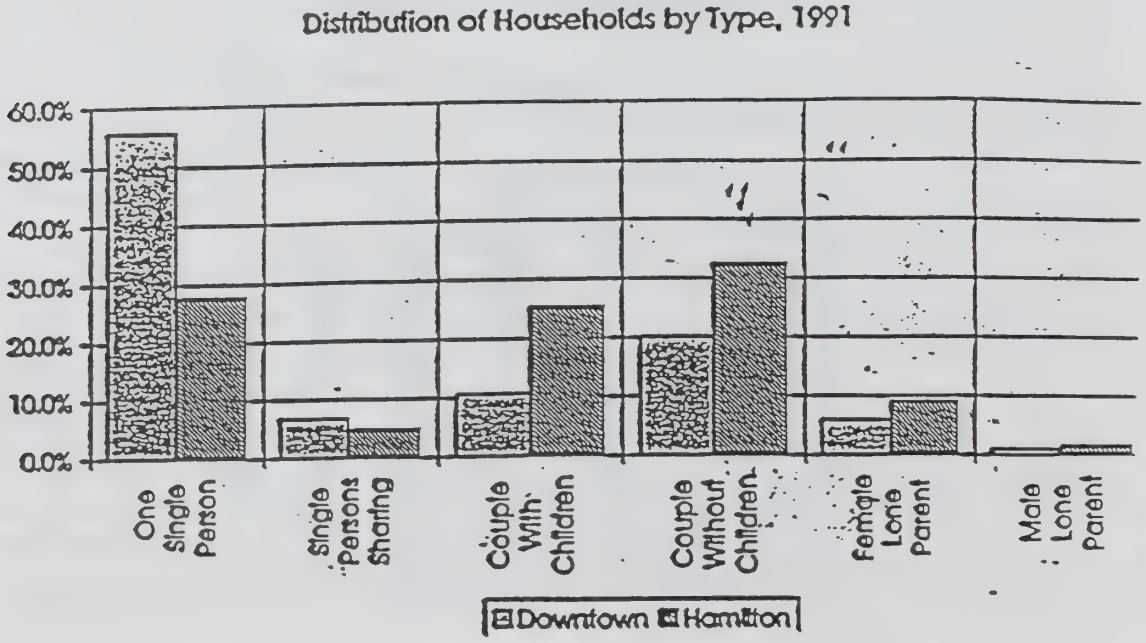
1. The population of Hamilton's Downtown experienced a decline in population from 1977 to 1985 and since that time has remained relatively stable in the 26,000 person range.



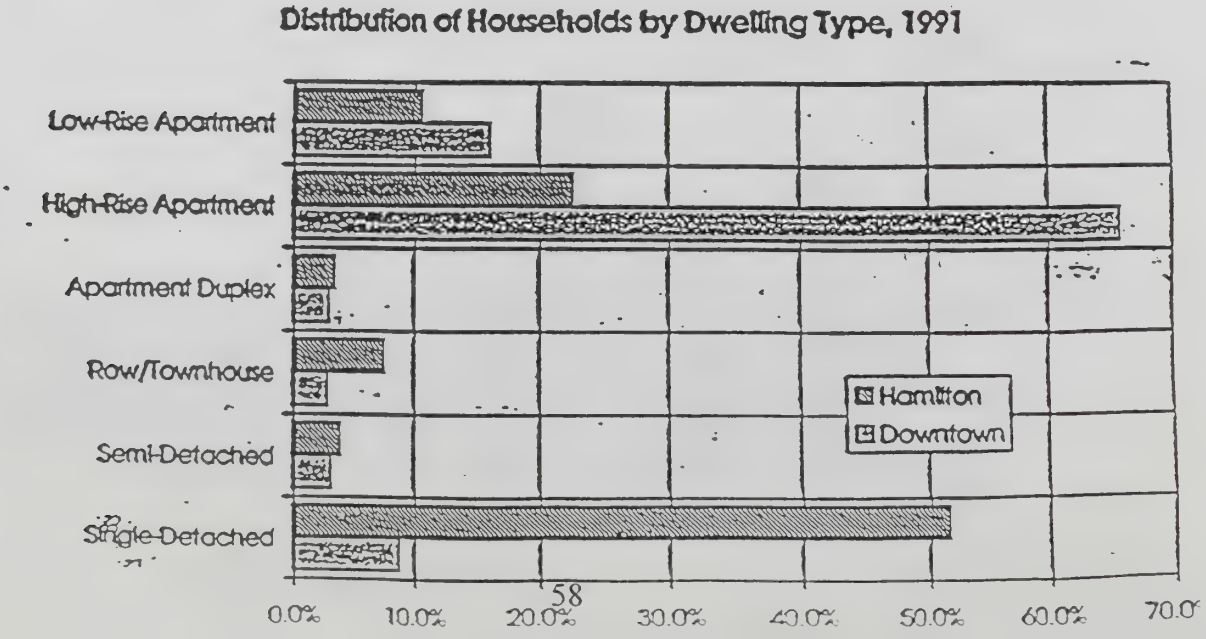
2. Downtown Hamilton recorded a higher proportion of people in the 25 to 34 years age cohort than the City of Hamilton as a whole. In addition, there was a lower proportion of children aged 0 to 14 years in Hamilton's Downtown compared to the City of Hamilton and a higher proportion of senior citizens aged 65 years and over.



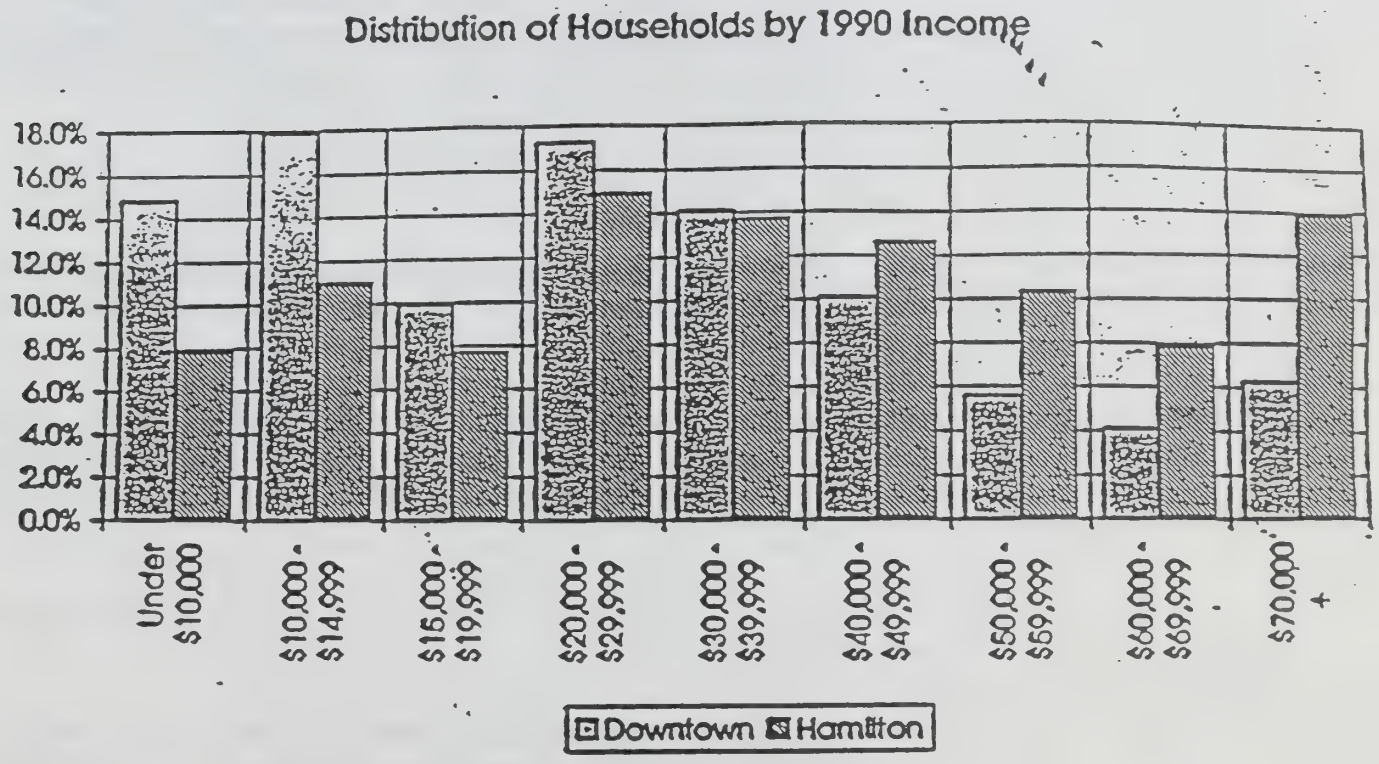
3. One single person households are the most prevalent household type in Hamilton's Downtown and accounted for over one-half of all households. There was a lower proportion of couples with children and couples without children in the Downtown compared to the City of Hamilton.



4. There was a much higher proportion of high-rise apartment units in Hamilton's Downtown compared to the City of Hamilton, 65.8 percent versus 22.6 percent. Single-detached dwellings accounted for under 10 percent of all dwellings in the Downtown while the proportion for the City of Hamilton was over 50 percent.



5. There was a higher proportion of lower income households in Hamilton's Downtown than the overall City of Hamilton and, conversely, a lowerproportion of higher income households. The average household income (1990) for Downtown households was recorded at $31,228. compared to $41,232. for the City of Hamilton.



7. PLANNING POLICIES AND CONTROLS

The following is a list of specific controls currently in affect in the downtown and major planning concerns.

A) Regional Official Plan - Towards a Sustainable Region

- Approved by the Ministry of Municipal Affairs on 1995 January 05
- Founded on the principles of Vision 2020 - sustainable development
- Downtown Hamilton designated as the Regional Centre, on Regional Development Pattern

Part B - Quality of Life

Provides policies which endeavour to enhance the way people live in this Region; issues relate to governance, environment, health, social services, shelter, culture, heritage, etc. Policies relevant to CIPA:

4.1.1 Implement an Economic Action Plan with emphasis on such things as improving workforce; improving competitiveness of small business; building partnerships in community; developing community infrastructure that is supportive of economic development.

Part C - Land Use Strategy

Contains more specific land use policies to help guide public/private decision making. Policies relevant to the CIPA include compact land use form; retail; services; transit:

3.1.1.3 Promote the Regional Centre in Downtown Hamilton as the most important mixed use activity centre, offering the widest range of goods and services of any single location in the Region.

3.1.1.4 Maintain the Regional Administrative Offices in the Regional Centre.

3.1.1.5 Promote and support efforts directed at making the Regional Centre the focus for major cultural facilities (e.g. art galleries, libraries and performing arts).

3.1.6.1 Direct retail/commercial/office uses to locate in Mixed Use Activity Centres and Corridors, shopping centres, existing and planned retail areas.

3.1.7.1 Encourage head offices and large branch offices of finance, insurance and real estate firms serving Region-wide or specialized interests to locate in the Regional Centre.

3.1.7.2 Encourage Region-wide or specialized community, business and personal services to locate in the Regional Centre.

4.3.2.3 Plan and operate the urban transit system, so that:

a) The Regional Centre is the primary focus of transit service, with an appropriate level of service and degree of accessibility.

B) **<u>City of Hamilton Official Plan - Central Area Plan - Extracts Relevant to the CIPA:</u>**

Purpose: The Central Area Plan is a secondary plan prepared to give policy direction for the area bounded by the Harbour, Queen Street, the Escarpment and Victoria Avenue. It includes Durand, Corktown, Central, Beasley, North End East and West Neighbourhoods and portions of Landsdale and Stinson west of Victoria Avenue.

Overview: The plan stresses the importance of a healthy, vibrant, well-designed, human-scale environment and economic well-being of the Central Area, with policies aimed at:

- building on the Central Area's existing attributes; and,
- creating an environment conducive to investment, redevelopment and growth.

Status: The Plan is an update of the original Central Area Plan, which dates back to 1981 and is approved by Committee.

There are outstanding appeals of the O.P.A., some of which have been lodged by the Hamilton Harbour Commissioners. Several pre-hearing mediation meetings have been held, with a fifth one to be held shortly, but no compromise solution is anticipated at this time.

Policies: The portions of the plan policies most relevant to the CIPA are:

General: the Centre of Hamilton is considered the "Regional Centre"; and to be recognized as a multi-use area; emphasis on urban design, compatibility of uses.

Downtown Core: includes most of CIPA, except far east and north-east portions.

- Permitted Uses - to maintain and enhance the downtown core, a mix of uses to be encouraged, namely commercial uses (office buildings and stores); residential development; and institutional uses, esp governments.
- Promote as primary commercial centre of Region; location for offices, retail.

- Reinforce existing commercial on James Street, Hess Village, east of James Street.

Mixed Use: includes far east and north-east portions of the CIPA Area.

- Permitted Uses - light industrial, commercial, residential, institutional, recreational and related ancillary uses.
- Existing uses to remain; a mix of new uses to be encouraged; new developments not to adversely affect existing ones; applications to be considered on own merits, in light of long-term goals for growth and revitalization.

C) Neighbourhood Plans in CIPA

i) Central Neighbourhood Plan

Location - This neighbourhood comprises the area bounded by Queen Street, Main Street, James Street and the CNR Mainline north of Barton Street, and includes the portion of the CIPA between Bay Street and James Street.

Neighbourhood Plan Review - A review of the existing Central Neighbourhood Plan is nearing completion. A public meeting is to be held to enable additional public input, prior to the plan being taken forward for adoption.

The emphasis of the proposed plan, for the core area, is to strengthen and complete the areas designated "Downtown Core", as defined by the Central Area Plan. This includes all of the CIPA which is located in the Central Neighbourhood. Higher density housing (4 to 8 storey apartment buildings) are proposed adjacent to the downtown core.

Existing Plan - The original Central Neighbourhood Plan was adopted by City Council in 1973, and has been amended since that time. It designates lands within the Focus Area "Commercial", except for Copps Coliseum and Civic Square, which are designed "Civic and Institutional".

ii) Beasley Neighbourhood Plan

Location - This neighbourhood comprises lands bounded by James Street, Main Street, Wellington Street and the CNR Mainline. It includes the part of the CIPA east of James Street up to Wellington Street.

Neighbourhood Plan Review - A new Beasley Neighbourhood Plan has recently been approved by City Council. The plan was prepared by staff, in conjunction with an advisory committee.

The main thrust of the plan is to make the neighbourhood an "attractive" and "desirable" place to live, namely attractive to residents by improving their quality of life, and attractive to businesses by improving their viability. Proposed actions include increasing the amount of green space; promoting mixed residential/commercial along all major streets; scaling back the one-way street system; undertaking a market value re-assessment; upgrading police presence and attention to urban design; focusing the size of the commercial downtown core into a smaller geographic area; and discouraging the creation of new parking lots.

iii) **Corktown Neighbourhood Plan**

Location - This neighbourhood comprises the area bounded by James Street, Main Street, Wellington Street and the Escarpment, and includes the portion of the CIPA south of Main and east of James.

Neighbourhood Plan Review - A review of the existing Corktown Neighbourhood Plan began in April, 1996 and is nearing completion. The draft plan, prepared with a citizen advisory committee, has been circulated to agencies. A public meeting is scheduled for December 05, 1996 to obtain input from the general public, prior to the plan being finalized and taken forward to the Planning and Development Committee for adoption in early 1997.

The purpose of the proposed plan is to create, over the next 15 years and beyond, a Corktown that is attractive, affordable and accessible, is clean, green and cohesive; is stable, livable and economically viable; has a strong identity and enhances the image of Hamilton; and has stakeholders actively involved in making decisions about the future of Corktown. Higher buildings of up to 12 storeys are proposed in the core, with lower heights to the south.

Existing Plan - The original Corktown Neighbourhood Plan was adopted by Council in November 1973, and called for a number of rezonings. It has been amended extensively since that time. It designates lands within the CIPA mainly Commercial", and "Commercial and Apartments" and some "Civic and Institutional".

iv) **Durand Neighbourhood Plan**

Location - This neighbourhood comprises lands bounded by Queen Street, Main Street, James Street and the Escarpment. It includes the portion of the CIPA south of Main and west of James.

Neighbourhood Plan Review - The Durand Neighbourhood Plan Update was prepared beginning in 1984, with the assistance of a citizen advisory committee. The plan preparation process involved the identification of issues and development of policies and actions to address these. The final version of the plan was adopted by Council in 1987.

The major goals of the Durand Plan include preservation of the residential character, which includes a mix of densities; directing commercial uses to the periphery; increasing recreational and parkland areas; heritage preservation; and restricting through traffic. The area within the CIPA are designated mostly for "Commercial", "Civic and Institutional", and, "High Density Apartments".

Former Plan - The original Durand Neighbourhood Plan was adopted by Council in 1973. It provided for extensive areas of high density residential, and designated lands within the CIPA for much the same uses as the 1987 plan update.

D) Designated Buildings:

Designation of buildings under the Ontario Heritage Act is done for the purposes of identifying and conserving buildings that are considered to be historically and/or architecturally significant. This enables retaining the original architectural character of features, especially facades, and in some cases interior features. Heritage funding grants are available for this purpose, and threatened demolition can be delayed while alternative approaches are pursued.

There are presently 6 designated buildings within the CIPA. These include:

- Pigott Building
- Sun Life Building
- Right House Building
- Landed Banking Loan Co. Building
- Victoria Hall
- Hamilton Courthouse

The designation of buildings within the CIPA is continuously being reviewed, and LACAC staff have indicated there may be several more buildings to be added to the inventory of listed buildings in the future.

E) Zoning By-Law

The Zoning By-Law governs permitted uses and development standards in the City. Several zoning districts exist in the CIPA, indicated by letter codes. This is a brief overview.

"CR-3" (Commercial - Residential) District

- Found in several areas in central and east part of CIPA
- Permitted Uses: Residential - multiple dwellings; apt. hotel, care facilities; etc.
  Commercial - office; retail; etc.; combined with residential, separate access
  Institutional & Public - nursing home; day nursery; library; art gallery
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 24 storeys

"H" (Community Shopping and Commercial, etc.) District

- Found at eastern end of CIPA
- Permitted Uses: Residential - lodging house; single family with commercial; care facilities
  Commercial - wide range of retail; office; other; some light industrial
  Institutional - nursing home; home for aged; day nursery; jail; clubs; etc.
- Density permitted: Max. Floor Area - 8 times lot area; Max. Height - 4 to 18 storeys

"HI" (Civic Centre Protected Districts)

- Located in vicinity of Main Street and MacNab Street; Main Street and Bay Street
- Permitted Uses: hotel; nursing home; day nursery; public uses;
  Commercial - professional offices; various retail and service
- Density permitted: Max. Floor Area - 8 time slot area; Max. Height - 4 to 18 storeys

"I" (Central Business District, etc.) District

- Most prevalent zoning district in CIPA; found throughout, especially west and central
- Permitted Uses: Almost any residential, institutional or public use; care facility; lodging
  Commercial - almost any commercial; storage yards; industrial uses with minimal noise
- Density permitted: Max. Height - 37m (about 10 storeys) to 100m (about 30 storeys)

"J" (Light and Limited Heavy Industry, etc.) District

- One area in block at King William Street and Ferguson Avenue
- Permitted Uses: Institutional Uses including day nursery; detention centre
  Public & Commercial - Almost any use
  Light & Limited Industrial - uses such as food; mfg.; metals
- Density permitted: Max. Height - 10 storeys

Several site-specific Zoning By-Laws also exist, to define permitted uses and design for specific sites. For example, "H/S-472".

F) **Site Plan Control**

The entire Central Area is subject to Site Plan Control. The City reviews site design features, and co-ordinates siting of buildings; grading; landscaping; parking; access; other design aspects.

G) **Planning Issues**

i) **Buildings and Open Spaces**

There is diversity in the configuration of buildings and open spaces. There are several large buildings at the western end of the CIPA, including Jackson Square, an enclosed mall, the Hamilton Eaton Centre, Copps Trade Centre and Arena, and several other public buildings within the Civic Centre. There are also several other landmark buildings, many of which have historical significance. Along King Street East, facing Gore Park and extending to the east, most buildings are about three stories in height, apartments over stores, with some new infill.

ii) **Design**

Development in the downtown, although controlled by various regulations, does not always result in buildings and areas which are attractive to pedestrians. Some sections of the streetscape, such as adjacent to high-rise commercial buildings, are not as inviting to pedestrians as they could be, and in some cases there are obstacles to walking.

iii) **Limited Greenspace**

Gore Park is a small green space at the very core of the downtown. The green oasis which it provides is surrounded by roadways carrying the highest traffic volumes in the core. The main downtown location for bus stops is also at Gore Park, so the green park environment is often surrounded by a wall

of buses. The original fountain is being reconstructed in the Park, and bus shelters are also being considered, so the actual amount of green space is being reduced.

iv) **Downtown Development Corporation**

The Founding Board of the Greater Hamilton Downtown Community Development Corporation (GHDCDC) is a non-profit organization created to establish Downtown Hamilton as the economic, cultural, social and institutional centre of the Region. It was established in mid 1995, with a wide membership including politicians, business people, municipal staff, residents and other key stakeholders, and is intended to be a high profile committee of decision-makers with a mandate for action. Currently they are developing a strategic action plan that will identify downtown initiatives through public/private partnerships.

v) **Status of Downtown Initiatives**

There are many actions, studies and other initiatives underway or being considered in the downtown area. These include areas such as lighting improvements, beautification, parking meters, festivals, student housing; sign requirements; major renovation; etc. There are several committees in addition to the GHDCDC Founding Board, such as the staff Downtown Initiatives Committee.

vi) **Gore Heritage Design Study**

This study was initiated to investigate how to best conserve and enhance the special character of the Gore area of Hamilton. The Gore Park area along King Street in the downtown has much historical significance, but is now threatened by vacant buildings, and high-rise zoning. The study identifies the potential for returning existing buildings to their original condition as well as investigating design guidelines and incentives.

vii) **Social Impact - Public Amenities, Safety, Accessibility**

Crime rates in the downtown and surrounding neighbourhoods are quite high, compared to many suburban areas. These rates must be considered in the context of the higher population densities in the core, and the higher risk of crime associated with more commercial areas.

8. PREVIOUS COMMUNITY IMPROVEMENT PROJECTS

Various portions of the Downtown have been, and in some cases, are still, sites of community improvement projects. The Core Redevelopment Area and corresponding Downtown Core Redevelopment Plan were established by by-law in 1983 for the purpose of implementing various phases of the Downtown Action Plan. The works undertaken included sidewalk improvements and widenings, park redevelopment, street lighting, plantings, street furniture and road resurfacing. Monies to implement the Downtown Action Plan were derived from the Ministry of Municipal Affairs under the Commercial Area Improvement Program and the City of Hamilton. The by-laws establishing the Core Redevelopment Area and corresponding Plan and addendums were repealed in 1991.

In 1986 the City of Hamilton established the Commercial Facade Program. The program is still on-going and provides loans (to a maximum of $15,000. per unit) at half the City's prime rate, amortized over a ten year period, for the rehabilitation of commercial property facades. This program has since expanded to include a maximum of $10,000. per unit for interior renovations and is now known as the Commercial Property Improvement Program. The properties must be within an established Business Improvement Area (B.I.A.). There are seven B.I.A.'s presently established in the City of Hamilton namely: Barton General, Concession, Downtown Hamilton, International Village, Main West, Ottawa North and, Westdale Village. Community Improvement Project Areas and corresponding Community Improvement Plans were created in accordance with the Planning Act, Section 28 for the purpose of implementing the Program.

9. COMMUNITY IMPROVEMENT INITIATIVES:

The following list summarizes the strategies and initiatives that may be pursued through this Community Improvement Plan, and through any other City action intended to foster downtown revitalization. This list is not intended to be exclusive or exhaustive. It is intended to provide a framework for Downtown revitalization and renewal. The initiatives have been identified at a number of levels including: the document entitled "Strong Medicine.... A Prescription for the Heart of Hamilton Wentworth; the City/Region staff's Downtown Initiatives Committee; the Mayor's Task Force for Downtown Renewal; and, the Hamilton Society of Architect's Downtown Charette.

Each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process including Standing Committee and Council if needed, and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

a) **The Convert/Renovate-to-Rent Program**

The City of Hamilton will provide financial assistance to property owners within the CIPA to either create apartments in vacant spaces above stores or to bring unused or deteriorated apartments in commercial buildings into compliance with the Property Standards By-law and Fire Code (as per Appendix 'A').

b) **Fee Rebates for New Development and Redevelopment Projects, Waiving of Parking Requirements and 5% Parkland dedication**

As an incentive for development and redevelopment activities in the downtown, the City of Hamilton will offer fee rebates for planning and building new development and redevelopment projects as well as waive the 5% parkland dedication and parking requirements for residential development/redevelopment (as per Appendix 'B').

c) **Attract key "niche" retailers**

Boost the distinctive retail and day-trip profile of Downtown by targeted recruiting of one or more major retailers without a significant presence in Ontario.

d) **Prepare Plans for Renovation of Key Vacant Buildings**

Work with landlords to create redevelopment proposals for existing properties, aimed at providing facilities for design studios, computer software firms, artists studios and "loft" apartments.

e) **Improve Fibre-optic Opportunities in the Downtown**

Create a public-sector fibre-optic cable wide-area communications network focused on the Downtown in 1997, to demonstrate that Hamilton makes a good location for communications-based businesses, such as call centres and commercial "back office" functions.

f) **Canadian Society of Association Executive Convention in Hamilton**

Promote Downtown Hamilton as an excellent location for national and regional association headquarters, by specifically targeting the national trade association of those organizations.

g) **Develop a Commercial.Parking Lot Licensing By-law**

Making parking lots part of the solution to the problems of Downtown, not one of its major symptoms. Combine licensing and redevelopment incentives for commercial parking lots to promote their early redevelopment and to discourage further demolitions leading to more vacant parking lots.

h) **Concept for Dealing with Tax and Assessment Issues**

Investigate whether the City and Region can facilitate a process through which the Ontario Municipal Board would agree to mediate settlements between the Assessment Commissioner and the appelants.

i) **Property Tax Exemptions for municipal and quasi-municipal uses**

Expand the range of tax-exemptions for public and cultural institutions, to promote their continued ability to operate econimically Downtown.

j) **City Housing and Development Targetting on Key Downtown Properties**

Identify four or five properties with a high redevelopment priority for the Downtown, and prepare investment portfolios for presentation to identified potential investors. The investment portfolios would highlight commercially attractive features, such as a commitment to include Regional Municipality office space, to relax parking requirements, etc.

k) **Implementation of "strategic initiatives" identified in the Downtown Charette**

Improve the physical/pedestrian links between key areas of Downtown; such as:between Hess Village and the Convention Centre; between James Street North and the Eaton Centre area; and, between Theatre Aquarius/Broadway and King Street East.

l) **Implementation of "Transportation" Initiatives with the Aim of Creating a More "People Friendly" Environment.**

Take the proposals set out in various documents e.g. the Regional Transportation Review and Downtown Charette, and explore with the Region, the alternatives to the existing downtown circulation system to promote changes and objectives of the downtown renewal strategies.

m) New Parking Requirements

Authorize universal "no charge" 3 hour parking in all or most municipal lots, to be effective for the 1996 Holiday season. Investigate other parking incentives.

n) Relocation of Regional Offices in the Downtown

As a lever to redevelopment, Regional Municipality office space should be relocated to strategic downtown locations wherever feasible, on an aggressive timetable. If appropriate, the decision to relocate the Region's headquarters to the Court House should be reconsidered, especially if a major new corporate or institutional entity could be recruited to Downtown by leasing that property.

o) Mass-Market the Art Gallary

Encourage the Art Gallery to initiate a major reservation-ticket exhibition with commercial marketing potential.

p) Neo-traditional Development in Neighbourhoods Surrounding the Downtown

Explore with the Hamilton Halton Homebuilders, the possibility of expanding their recent initiative into the creation of a full-scale neo-traditional neighbourhood on underutilized lands adjacent to the Downtown.

q) Create a Hamilton Secondary Plan

Create a separate Downtown Neighbourhood within the City and Regional Official Plans.

r) Create a Downtown Hamilton Partnership

Establish a Downtown Hamilton Partnership, a small group of leaders of business, government and the community at large, who would set broad, strategic direction for Downtown initiatives, but whose work would be done through existing organizations and special task groups created to achieve specific results.

s) **Engage a Downtown Co-ordinator**

Examine the possibility of hiring a Downtown Co-ordinator with responsibility to follow-up on the actions outlined in the Downtown Partnership Strategy. The Co-ordinator would be a full-time advocate for the Downtown, operating at arm's length from municipal authorities, but with the support of municipal resources.

t) **Include Funding for Initiatives in Current and Capital Budgets**

Create a separate Downtown current and capital budget within the overall budgets of the Regional Municipality and the City of Hamilton, in order to allow priorities to be established and work to be more effectively co-ordinated.

u) **Financial Assistance To Property Owners**

Investigate and if feasible implement, financial assistance programs to property owners such as Heritage grants/loans for rehabilitation of historically significant buildings within the CIPA.

v) **Increase in Assessment Rebate Program**

Investigate the potential of implementing a rebate program for property owners who improve their properties thereby increasing the property's assessment. If the potential for the program is feasible implement the Program.

w) **Bus Shelters in Gore Park**

Monitor the bus shelter issue in Gore Park.

x) **Garbage Containers in Alleyways**

Modify the design of the garbage containers in the back alleyways and produce a prototype of the design to determine whether the difficulties encountered through garbage collection is addressed. Continue to work with the B.I.A.'s to address the concerns.

y) **Improve Media Relations**

Establish a rapport with the local media. Feed the media with news on the downtown and celebrate successes.

z) **Perimeter Road**

The implementation of the Perimeter Road will alleviate the through traffic and truck traffic from the downtown.

aa) **Examination of Non-Resident Library Fees**

Study the possibility of eliminating the non-resident library fees to encourage residents from the Region to visit the Central Library in the Downtown.

bb) **Pedestrian Improvement**

Investigate improvements that will make the Downtown more pedestrian friendly. Possibilities could include: sidewalk widening, canopies, re-cyclable bins, additional benches, increased lighting, additional flowers and trees, and, installation of sign trees.

cc) **Murals for the B.I.A.'s.**

Create wall murals within the Downtown area and investigate other public art opportunities.

dd) **Mustard Festival**

Implement festivals in the Downtown such as an Annual Mustard Festival.

ee) **Sustainable Development Day**

Bring the Sustainable Development activities to the Downtown core. Include downtown tours in the programming.

ff) Ferguson Avenue Redevelopment

Implement the downtown portion of the Ferguson Avenue Redevelopment Plan that creates a continual pedestrian/bicycle link between the Escarpment, the Downtown and the Bay. The Downtown portion creates a cultural area within the International Village B.I.A. providing the opportunities to hold many events within this area.

gg) Hughson Street

Review the potential for implementing the Hughson Street Study that proposes the creation of a pedestrian only area on Hughson Street between Hunter and King William Streets.

hh) Gore Park Heritage Study

Implement the Gore Park Heritage Study, a Study that identifies the potential for rehabilitating the historical significance of the buildings surrounding Gore Park.

ii) Downtown Demographic Analysis

Complete a demographic analysis of the downtown based on the 1996 Stats Canada information when available, as well as carrying out surveys, to better understand the surrounding community and to use as possible marketing tools for prospective businesses/developers.

jj) Research Downtown Initiatives in Other Communities

Continue to contact other communities to determine what has aided in revitalizing their Downtowns as well as what hasn't.

kk) Traffic Calming Initiatives

As part of a transportation review investigate traffic calming initiatives.

ll) Improve Safety and Security Initiatives

Investigate the possibility of hiring Ambassadors for the Downtown by contacting other communities that have implemented this initiative, and if appropriate and implement a similar program. The duties of Ambassadors range from cleaning the street to directing people and calling in to the Police Department when the need arises.

mm) Hamilton/Halton Homebuilders Agreement

Partner with the Hamilton-Halton Homebuilders Association for the purpose of co-ordinating the development of one or two blocks within the Downtown core. The development will act as a catalyst for other development initiatives.

10. CONCLUSION

The approval of a Downtown Community Improvement Plan will provide a legislative basis and context for some of the initiatives identified to foster Downtown revitalization. The Plan is intended to bring these efforts together within one document in order to ensure that the Downtown is dealt with in a comprehensive and co-ordinated manner, and that the initiatives identified can be directed towards community improvement.

As previously stated, each initiative is to be developed and evaluated on its own merit and taken through the appropriate approval process (Standing Committee and Council if needed), and if applicable, the appropriate funding process.

As these projects and others are approved they will be attached as further appendices to this document without requiring amendment to the Plan.

APPENDIX "A"

Summary of Terms of Hamilton Downtown Convert/Renovate-to-Rent Loan Program

(a)	Lender:	The Corporation of the City of Hamilton
(b)	Duration of Loan Program:	Until terminated by City Council
(c)	Initial Loan Capital: Additional Loan Capital:	$180,000 - City funds $180,000 - Region funds
(d)	Loan Interest rate:	Zero interest
	Interest on arrears:	12.9996% per annum or such tax arrears interest rate established by Council.
(e)	Maximum Loan Term:	Ten years (subject to prior termination on default) Principal repayable in monthly amounts over 120 months
(f)	Maximum Loan:	The lesser of cost or $12,000 per apartment unit with a maximum of $48,000 loan per property;
(g)	Purpose of Loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings;
(h)	Security:	Promissory Note and Lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement;
(i)	Minimum Equity Requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed;
(j)	Realty Taxes:	In good standing at all times
(k)	Eligible Costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program;
(l)	Sale or Refinancing of Property:	Loan due in full;
(m)	Revolving Loan Account:	Loan repayments to be credited to loan program account for re-lending;

(n) Except as provided above, subject to City's usual lending criteria.

SCHEDULE B

Downtown Savings

	Before Downtown Initiatives	After Downtown Initiatives
Development Charges Commercial - City	$ 0.00	$ 0.00
Commercial - Region	$2.64 / ft^2	$ 0.00
Residential - City	single, semi or row - $1,565.44 2 or more bedroom apt. - $894.54 1 bedroom apt. - $447.27	$ 0.00 $ 0.00 $ 0.00
Residential - Region	single family - $5,113.00 multiple family - $3,798.00 apartment - $2,191.00	$ 0.00 $ 0.00 $ 0.00
Fees * Official Plan Amendment	$1,730.00	$ 0.00
Zoning By-Law Amendment	$1,730.00	$ 0.00
Minor Variance (1 or 2 family dwelling)	$250.00	$ 0.00
Minor Variance (all others)	$400.00	$ 0.00
Building Permits	$150.00 for 1st $10,000.00 of estimated construction value + $9.00 each additional $1,000.00	$ 0.00
Site Plan Application	$1,020.00	$ 0.00
Revision of Approved Site Plan	$410.00	$ 0.00
5% Parkland Dedication	5% or cash equivalent	0 % or $ 0.00, if building permit is issued by Sept. 1 1999
Public Parking in the Downtown (designated lots only)	$0.80/hr - $1.60/hr	$ 0.00 (Thursday & Friday evenings & all day Saturday)
Parking Requirements Residential	0.8 spaces per class A dwelling unit	0 spaces for renovations/conversions 1 spaces for new construction
Lot Area Requirements for Multiple Dwellings in "I" Districts	"I" District - 65m^2 (699.68 square feet) lot area per dwelling unit	gross floor area not to exceed 2.85 times the area of the lot

* Fees are refundable at the time of issuance of a building permit if issued by Sept. 1/99 and the fees are paid for after Aug. 27/96.

SCHEDULE 'C'

PART A: RESTORE THE BUILDING FACADES

Purpose: To transform the public image of the Gore from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.

Eligible Work: Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Gore Heritage Design Study, approved by Council and "Guidelines for Heritage Conservation in the Gore".

PART B: IMPROVE THE QUALITY OF THE STOREFRONT DESIGN

Purpose: To attract pedestrians and businesses by making the Gore an animated, lively busy place again. Improve storefronts to make them attractive and appealing and restore original historic storefronts, where feasible.

Eligible Work: Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Gore Heritage Design Study. Included as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

PART C: IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE

Purpose: To create downtown commercial signage that animates and enlivens the core and at the same time enhances the architectural quality of the buildings. Regain the special character of the Gore by making signs legible and appropriate to their host building and replacing excessively over-sized signage.

Eligible Work: Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Gore Heritage Design Study and the Signage Guidelines for the Gore. Design of the signage should fit with the character of the host building.

Summary of Terms of the Gore Heritage 2000 Program

A Component of the Restore The Core, Hamilton Downtown Improvement Plan

(a)	Grantor	The Corporation of the City of Hamilton
(b)	Initial Grant Capital	$200,000 City funds
(c)	Type of Program	Matching Grant Program
(c)	Maximum Grant	$20,000 per property
(d)	Eligible Applicants	Owners of a property located within the Gore Area, on King St. East between James St. and Catharine St. which is designated under the Ontario Heritage Act or listed on the Inventory of Buildings of Architectural and/or Historical Interest.
(e)	Purpose of Grant	To create a new image for the Gore through a heritage building facade improvement program. The Gore, by virtue of its economic and social importance to the health, image and sustainability of the City, is considered a top priority of downtown revitalization.
(f)	Realty Taxes	In good standing at all times.
(g)	Eligible Costs	The matching grants can be applied to heritage facade restoration as well as improvement to storefronts and signage, based on the principles established in the Gore Heritage Design Study. More specific information is attached as Schedule A.
(h)	Additional Eligible Programs	The Gore Heritage 2000 Program may be used in conjunction with other funding programs, such as the Hamilton Downtown Convert/Renovat-to-Rent Loan Program, the Commercial Property Improvement Program and the Commercial Heritage Trust Fund.
(h)	Conditions of Grant	The project must be fully described in the application form and the eligible items identified and approved before the work commences. The project must be completed as defined in the application form and to a high standard of craftsmanship. In the event of demolition or removal of the funded improvements within the first five years of awarding the grant, the owner of the property will be responsible for paying the full amount of the grant back to the City.

Bill No. D-40

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend Schedule 4 of Licensing By-law No. 93-069

Respecting:

TAXI-CAB BROKERS

WHEREAS it is expedient to require taxi-cab brokers to post the Ontario Human Rights Commission's one page publication entitled "Declaration of Management Policy" for taxi-cab owners and drivers;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule 4 of Licensing By-law No. 93-069 as amended, is further amended by adding the following paragraph, as paragraph 11 of subsection 32(1):

> "11. Post and maintain a copy of the Ontario Human Rights Commission's publication entitled "Declaration of Management Policy", on bulletin boards and on other similar locations provided for the regular posting of written notices to taxi-cab drivers or owners operating from the brokerage."

2. In all other respects, Licensing By-law No. 93-069, as amended, is hereby confirmed without change.

PASSED this day of A.D. 1997.

City Clerk Mayor

Bill No. D-41

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

By-law No. 91-105

Respecting:

IMPROVEMENTS TO THE FIRE DEPARTMENT RADIO SYSTEM

WHEREAS By-law No. 91-105 was enacted on May 14, 1991, to authorize the Radio Trunking Project and the issuance of Debentures in the amount of $2,500,000;

AND WHEREAS the Ontario Municipal Board approved the Radio Trunking Project by order of the Board, dated March 28, 1991,

AND WHEREAS Council, on April 8, 1997, in adopting Section 7 of the 7th Report of the Finance and Administration Committee authorized the transfer of a portion of the debenture proceeds and cancellation of a portion of the debentures for this project.

AND WHEREAS the approval of the Ontario Municipal Board to this By-law is no longer required as a result of amendments to Section 168(4) of the Municipal Act;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The City Treasurer is hereby authorized to reallocate $2,000,000 of the original debenture amount to the 1995 Roads and Sidewalk Reconstruction Project, Local Roads, Phase 1.

2. The City Treasurer is hereby authorized to cancel the remaining $500,000 debenture amount.

PASSED this day of , 1997.

CITY CLERK MAYOR

Bill No. D-42

The Corporation of the City of Hamilton

BY-LAW NO. 97-

Respecting:

APPOINTMENT OF AN EXTERNAL AUDITOR

WHEREAS Section 86(1) of the Municipal Act, R.S.O. 1990, Chapter M.45, authorizes City Council to appoint one or more auditors who are licensed under the Public Accountancy Act for a term of five years or less;

AND WHEREAS the Council of The Corporation of the City of Hamilton on , in adopting Item of the Report of the Finance and Administration Committee appointed the firm of MacGillivray Partners as the City of Hamilton's external auditor for the year ending December 31, 1997;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The firm of MacGillivray Partners is appointed as The Corporation of the City of Hamilton's external auditor until December 31, 1997.

2. The firm of MacGillivray Partners shall also complete the 1997 Financial Report for The Corporation of the City of Hamilton.

3. The duties of the auditor shall include auditing the accounts and transactions of The Corporation of the City of Hamilton, every local board of The Corporation of the City of Hamilton, as defined by the Municipal Affairs Act, the Hamilton Entertainment and Convention Facilities Incorporated, the Hamilton Hydro Electric System, Canusa Games, the Canadian Football Hall of Fame and Museum, Hamilton Housing Company Limited, The Municipal Non-Profit (Hamilton) Housing Corporation, The Hamilton Municipal Retirement Fund, The Hamilton and Scourge Foundation, Inc., and all of the Boards of Management for the Business Improvement Areas within the City of Hamilton.

4. The fee payable to the auditor shall be $113,000 for 1997. The fee shall be reduced if the hours actually spent are less than anticipated by the City and the auditor. All disbursements are included as part of the regular fee.

PASSED this day of , 1997.

APPROVED AS TO FORM LF for PNJ CITY SOLICITOR

City Clerk Mayor

BY-LAW NO. 97 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 24th DAY OF JUNE, 1997.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 24th day of June 1997

CITY CLERK MAYOR

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MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

Tuesday, 1997 July 8
7:30 o'clock p.m.
Council Chambers, City Hall

J. J. Schatz, City Clerk

A G E N D A

1. ***National Anthem.***

2. ***Opening Prayer.***

3. ***Presentations:***

   HAMILTON'S MUNICIPAL SENIOR OF THE YEAR — ***Margaret Koropatnicki***

   INTERNATIONAL CIVIC AWARD — ***Sammy Smith, Provincial Champion Tae Kwon Do***

   INTERNATIONAL CIVIC AWARDS - HAMILTON TRANSWAYGIRLS ATOM BASKETBALL TEAM

4. ***Nominating Committee - To appoint the City Appointee to the Hamilton Harbour Commissioners***

5. ***Adoption of the minutes of the meeting held 1997 June 24.***

6. ***Correspondence\Petitions***

7. ***Reports of the Standing Committees:***

   (a) *Transport and Environment Committee*
   (b) *Parks and Recreation Committee*
   (c) *Planning and Development Committee*
   (d) *Finance and Administration Committee*
   (e) *Nominating Committee - To appoint the City's appointee to the Hamilton Harbour Commissioners*

8. ***Notice of Motion from previous meeting - Alderman D. Ross***
- postponed from June 24

9. ***Notices of Motion for next meeting.***

10. ***Question Period.***

11. ***Adjournment.***

MINUTES

Minutes of Hamilton City Council
Tuesday, 1997 June 24
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

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The National Anthem was played.

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Reverend Morris Stupak, Life Christian Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the regular meeting held 1997 May 27th and the special meeting held 1997 June 11 were adopted as circulated.

PRESENTATIONS

Mayor R. M. Morrow presented a Certificate of Recognition to Ms. Colleen Mooney who was recently recognized at a gathering in Toronto for winning the International Rose of Tralee Award for 1996/1997. This Award was bestowed upon her at Kerry, Ireland.

* * * * * * * *

Mayor R. M. Morrow advised Members of Council of the passing away of Douglas Duncan, former Superintendent of Streets and Sanitation. Mr. Duncan was employed by the City from 1964 to 1994.

CORRESPONDENCE

1. Memorandum dated 1997 June 3 from R. Scott Smith, Secretary to the Board of Commissioners, Hamilton Harbour Commission RE: Financial Statements of the Hamilton Harbour Commissioners for the year ended 1996 December 31.

   Received.

2. Application dated 1997 May 30 from Sunshine Construction Inc., DiCenzo Construction, 205 Quigley Road, Unit 2, Hamilton, Ontario for a change in zoning from "D" (Urban Protected Residential) One and Two Family Dwellings, etc.) District to "C" (Urban Protected Residential, etc.) District for Blocks "1" and "2" from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block 3 for property south of Upper Horning and east of Omni Boulevard, Hamilton, Ontario.

   Received.

3. Application dated 1997 May 28 from Covenant Canadian Reformed Teachers College, 245 Mohawk Road West, Hamilton, Ontario for a modification to the "C" (Urban Protected Residential, etc.) District for 245 Mohawk Road West, Hamilton, Ontario.

   Received.

4. Application dated 1997 June 2 from DiCenzo Construction Company Limited, 205 Quigley Road, Unit 2, Hamilton, Ontario for a change in zoning from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single-Family Detached) District for property north of Rymal Road East, and west of Upper Wellington Street (DiCenzo Gardens) Hamilton, Ontario.

   Received.

5. Application dated 1997 June 20 from 900074 Ontario Inc., Gordon Albini, Setay Investments, 78 Queenston Road, Hamilton for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family, Dwellings, etc.) District modified for Block "1", from "C" (Urban Protected Residential, etc.) District to "RT-30" (Street-Townhouse) District for Block

"2", from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family, Dwellings, etc.) District modified for Block "3", and from "RT-30" (Street-Townhouse) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District modified for Block "4" for lands located at the rear of 1451-1471 Upper James Street and south-east of DiCenzo Drive Application for a revised draft plan of subdivision "James Mount Gardens" to create 13 lots for semi-detached dwellings (Lots 1-13), 5 blocks for street townhouses (Blocks 14-18), 1 block for commercial development (Block 23) and to establish 3 streets (25T-91007)

Received.

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It was moved by Alderman Kiss and seconded by Alderman Agro that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Licensing Committee, be considered in Committee of the Whole with Alderman Caplan in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: -0. **CARRIED.**

TRANSPORT AND ENVIRONMENT COMMITTEE - SEVENTH REPORT

Section 2 Re: Stop up, close and sell portion of former Upper Horning Drive

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 2 of the Seventh Report of the Transport and Environment Committee for 1997 be amended by deleting Sub-Sections (b), (c) and (d) in their entirety. **CARRIED.**

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Section 4 Re: Stop up, close and purchase a portion of 85 Mountain Avenue

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Agro, McCulloch, Drury, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15.

NAYS: Alderman Kiss. -1. **CARRIED.**

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Section 29 Re: Hess Village Merchants Association - Hess Village "Jazz Festival"

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 29 of the Seventh Report of the Transport and Environment Committee for 1997 be amended by deleting Sub-Section (j) in its entirety and replacing it with the following in lieu thereof:

"That the Liquor Licence Board of Ontario be advised that the City of Hamilton is aware of the application for a Temporary Extension of Liquor Licence submitted by the Gown and Gavel, 24 Hess Street South in conjunction with the Hess Village Performing Arts Festival to take place 1997 July 10 - 20th, and that the City has no objection to the issuance of a Temporary Extension of a Liquor Licence for this event." **CARRIED.**

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Section 33 (b) (v) (2) (aa) Re: DiCenzo Construction Company Limited and Sunshine Construction Inc.

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 33 (b) (v) (2) (aa) of the Seventh Report of the Transport and Environment Committee be amended by adding the words "City of Hamilton/" before the word "Regional" in the second line.

CARRIED.

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Section 34 Re: Offer to Purchase - Peninsula Orthodontic Services Inc.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 15.

NAYS: Alderman Copps. -1. **CARRIED.**

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Section 35 Re: Failed retaining wall - Jackson Street West

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Jackson, Merling, Anderson, D'Amico, Ross. -16.

NAYS: Alderman Charters. -1. **CARRIED.**

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Section 41 Re: MOEE-Provincial Environmental Services Inc.'s Application - 97 Frid St.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15.

NAYS: Alderman Kiss. -1. **CARRIED.**

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Section 42 Re: Stormwater runoff - Montgomery Creek

It was moved by Alderman Merling and seconded by Alderman Anderson that Section 42 of the Seventh Report of the Transport and Environment Committee be amended by deleting Sub-section (b) (iii) (cc) and (b) (iii) (dd). **CARRIED.**

PARKS AND RECREATION COMMITTEE - SIXTH REPORT

Section 9(a) Re: Chedoke Winter Sports Park - Core Service

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Copps, Wilson, Merling. -3. **CARRIED.**

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Section 9(b) Re: Operate a winter downhill ski program

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0. **CARRIED.**

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Section 9(c) Re: Capital Budget Submission for 1998

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Eisenberger, Collins, Charters, Jackson, D'Amico, Ross. -13.

NAYS: Aldermen Copps, Wilson, Merling, Anderson. -4. **CARRIED.**

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Section 9(d) Re: Report outlining strategic options for civic golf courses & ski hill

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0. **CARRIED.**

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Section 9(e) Re: Advisory Council of Chedoke Hill Ski User Groups - Private sector

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17.

NAYS: -0. **CARRIED.**

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Section 10 Re: Hamilton Hornet Rugby Football Club - Selling of alcoholic beverages - Mohawk Sports Park

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Section 10 of the Sixth Report of the Parks and Recreation Committee for 1997 be amended by adding the words "at Mohawk Sports Park:" after the word "Agreement" in the last line of the paragraph. **CARRIED.**

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Aldermen Copps, Charters, Jackson. -3. **CARRIED.**

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Section 11 Re: Outdoor Basketball Pad at Carter Park - Nike Canada Ltd., Altamira Foundation

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: Alderman Copps. -1. **CARRIED.**

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Section 17 Rule No. 9 Re: Lease - Macassa Bay Yacht Club

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that Rule No. 9 of the City's Procedural By-law 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a 20-year lease at Harbourfront to Macassa Bay Yacht Club. **CARRIED.**

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Section 17 Re: Lease - Macassa Bay Yacht Club

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that the Sixth Report of the Parks and Recreation Committee for 1997 be amended by adding the following as Section 17:

"(a) That Council's approval to a twenty year lease to the Macassa Bay Yacht Club at its meeting held on June 25, 1996 (Section 11 of the Ninth Report of the Parks and Recreation Committee for 1996) be amended to include the following terms:

(i) the lease shall include the following property:
- 1.67 acres of the City's harbourfront land at the foot of Simcoe Street West; (Parts 1 and 6, 62R-14095)
- 3.5 acres of land covered by water; (Part 10, 62R-14095)
- a right of way from Bayfront Drive to the leased property; (Parts 7, 8, 9, 11, 12 and 13, 62R-14095); and,

(ii) the lease shall permit the Club, our Tenant, to mortgage its Lease from the City - to a lender as security for the lender's loan to the Tenant to finance improvements to the leased premises. This right shall be

conditional upon: the loan amount and terms being reasonable in the opinion of the City as Landlord; and on the prospective Mortgagee entering into a Mortgage Approval Agreement with the City as Landlord to covenant that if the Mortgagee (or its assignee) enters the leased premises, it shall comply with the Lease; and,

(b) That in accordance with the said Lease provisions on the Club's mortgage of its lease to a lender, that the City as Landlord, approve the Tenant's granting a mortgage of the Lease to the Royal Bank of Canada as security for the Bank's loan to the Club to finance a new clubhouse; and,

Such loan shall not exceed $250,000 and shall be amortized and repayable within the lease term. During construction, interest on such loan shall be at the Royal Bank's prime commercial lending rate plus one and a quarter percent and during the balance of the loan term, interest shall be either the Bank's commercial lending rate applicable to a loan period selected by the Tenant or at a variable floating rate, the Bank's prime commercial lending rate plus one percent; and,

(c) That the Mayor and City Clerk be authorized and directed to execute the said Mortgage Approval Agreement with the Tenant and the Royal Bank of Canada in a form satisfactory to the City Solicitor." **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - TENTH REPORT

Section 5(b) Re: Appendix "G"

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 5(b) of the TENTH Report of the Planning and Development Committee for 1997 be amended by deleting Appendix "G" and replacing it with the Revised Appendix "G" attached hereto.
CARRIED.

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Recorded vote on Section 6 before amendment:

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross -12.

NAYS: Aldermen Agro, McCulloch, Drury, Morelli, Copps. -5. **CARRIED.**

Amendment to Section 6 Re: Wesley Urban Ministries - 195 Ferguson Avenue

It was moved by Mayor Morrow and seconded by Alderman Ross that Section 6 of the Tenth Report for 1997 of the Planning and Development Committee be amended to add sub-section (B) as follows:

(B) That the appropriate staff work with the Wesley Centre to look for viable alternate locations for the Centre.

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Section 9 Re: B.I.A. - Model Constitution

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 9 of the Tenth Report of the Planning and Development Committee for 1997 be referred back.

CARRIED.

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Section 20 Re: Introduction of Bills.

It was moved by Alderman Drury and seconded by Alderman D'Amico that Item 20 of the TENTH Report of the Planning and Development Committee for 1997 be deleted and replaced with the following:

20. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) C-34 A By-law to Adopt Official Plan Amendment No. 139 Respecting Lands Located at 412 Aberdeen Avenue Within the Kirkendall North Neighbourhood.

(b) C-35 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 412 Aberdeen Avenue.

(c) C-36 A By-law to Adopt Official Plan Amendment No. 138 Respecting Lands Located at the South-west Corner of Rymal Road East and Ryckman Street Known Municipally as No. 30 Rymal Road East Within the Allison Neighbourhood.

(d) C-37 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 89-246 Respecting Land Located at the South-west Corner of Rymal Road East and Ryckman Street Known Municipally as No. 30 Rymal Road East.

(e) C-38 A By-law to Adopt Official Plan Amendment No. 140 Respecting Lands West of Upper James Street, South of Stone Church Road West, Mewburn Neighbourhood.

(f) C-39 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at the Rear of Municipal Nos. 1170-1180 Upper James Street.

(g) C-40 A By-law to Remove Land Within the "Rymal Estates" Subdivision, Plan 62M-679 from Part Lot Control.

(h) C-41 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located on the North Side of Barton Street West, East of Crooks Street.

(i) C-42 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located West of Upper James Street and East of West Fifth Street, the Rear Portion of 1187 West Fifth Street and 1514 Upper James Street and 1468-1500 Upper James Street.

(j) C-43 A By-law to Adopt the Downtown Hamilton Community Improvement Plan.

CARRIED.

FINANCE & ADMINISTRATION COMMITTEE - FOURTEENTH REPORT

Rule No. 9 Re: Panhandling and loitering

It was moved by Alderman Charters and seconded by Alderman Jackson that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the City Solicitor being requested to review the City of Kingston's By-law respecting Streets as it pertains to panhandling and loitering.

CARRIED.

Section 27 Re: Panhandling and Loitering By-law

It was moved by Alderman Charters and seconded by Alderman Jackson that the following be added as Section 27 of the Fourteenth Report for 1997 of the Finance and Administration Committee:

27. That the City Solicitor be requested to review the section of the City of Kingston By-law respecting Streets pertaining to panhandling and loitering and report back to the next meeting of the Finance and Administration Committee. **CARRIED.**

LICENSING COMMITTEE - FOURTH REPORT

ACTING MAYOR FOR THE MONTH OF JULY, 1997

It was moved by Alderman Kiss and seconded by Alderman Agro that Alderman D. Wilson be appointed Acting Mayor for the month of July, 1997.

CARRIED.

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It was moved by Alderman Kiss and seconded by Alderman Agro that the Report of the Committee of the Whole on the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Licensing Committee, be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Wilson, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -11.

NAYS: -0. **CARRIED.**

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Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Wilson, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -11.

NAYS: -0. **CARRIED.**

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City Council then adjourned at 10:00 o'clock p.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1997 June 24
JJS/dg

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **SEVENTH** Report for 1997 and respectfully recommends:

1. That the appropriate by-law to sell the subject land described as follows be prepared to the satisfaction of the City Solicitor, passed and enacted by Council:

   (a) The closed "Reserved for Street" on Registered Plan 851, described as Parts 1 to 3 inclusive on Plan 62R-10952, now known as No. 45 Owen Place; and,

   (b) Part of closed Leaway Avenue, Registered Plan 1059, described as Parts 2 and 3 on Plan 62R-11410 now known as Nos. 817 and 821 Stone Church Road East.

2. That the application of DiCenzo Construction Company Limited and Sunshine Construction Inc. to stop-up, close and sell the portion of the former Upper Horning Drive, road allowance, from the east side of Omni Boulevard to Stone Church Road West, be approved, subject to the following conditions:

   (i) That the Commissioner of Transportation be directed to prepare a By-law to stop-up, close and sell the portion of the former Upper Horning Drive, from the East side of Omni Boulevard to Stone Church Road West; and,

   (ii) That the Commissioner of Transportation be directed to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing pursuant to Section 44 of the Regional Municipality Act R.S.O. 1990; and,

   (iii) That the City Clerk be directed to publish a notice pursuant to Section 300 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law. **AMENDED.**

including the Mental Health Clinic (1929-1960), a therapeutic centre for adolescents (1968-74), a Forensic Unit (1972-78), and most recently, a day program for chronic psychiatric patients (1981-95).

Architecture

Century Manor is a rare surviving example of a special-purpose building designed to house mentally ill patients, originally referred to as a "cottage". Its design was based on the Kirkbride Linear Plan, the 19th century American prototype for new purpose-built asylum facilities, which was adopted as the standard for Ontario asylums. Century Manor is the only surviving building of its kind in Hamilton and one of few still standing in the province.

Century Manor also ranks among the finest High Victorian institutional buildings remaining in Hamilton. This large, imposing brick building, with a symmetrical facade, comprises four visually distinct yet stylistically unified components: a three-storey square centre block with flanking two-storey wings and a rear kitchen wing added in 1895. The elaborate centre block features a low-pitched hip roof with a pedimented gable over the projecting frontispiece, eaves embellished with modillions and paired brackets (terminating the corner piers), and paired windows above the entrance with round or segmental arches and prominent keystones. Punctuating the long facade of each wing is an octagonal bay with single eave brackets marking the four corners; the end of each wing is terminated by a square gabled bay echoing the design of the frontispiece. The architectural detailing of the centre block and wings is very similar, with sills and string courses made of stone and contrasting yellow brick used to accentuate the segmentally-arched window lintels, corner piers and quoins (lintels now painted white). The existing raised portico, though not original, still enhances the front entrance, with its coupled wood columns rising from cut stone plinths. The once impressive doorway with ornate glazed double doors, narrow sidelights and transom light has been replaced.

Designated Features

Important to the preservation of Century Manor are the original features of all four facades, including the window openings, sills and lintels; the decorative brickwork; the stone sills and string courses; the brick chimneys; the decorative wood eave brackets and modillions; and the entrance portico. Excluded on the front facade is the existing central doorway and two fire exit doorways in the gabled bays terminating each wing.

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **TWELFTH** Report for 1997 and respectfully recommends:

1. (a) That approval be given to amended Zoning Application ZAC-96-11, Alfrin Enterprises Corporation (Al Frisina), owner, requesting a further modification to the established "C" (Urban Protected Residential, etc.) District for lands located at 73 Garfield Avenue South, to permit the conversion of the existing building to a senior citizens facility for 36 residents, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That By-law No. 94-027 be repealed in its entirety; and,

(ii) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements;

(1) notwithstanding Section 9.(1) of Zoning By-law No. 6593, the following uses shall be permitted:

(a) a senior citizens facility containing "housekeeping dwellings units" for the accommodation of not more than thirty-six residents within the building existing at the time of the passing of the by-law; and,

(b) not more than 2 residents shall be accommodated in a housekeeping dwelling unit; and,

(c) lounges, common spaces, kitchen facilities, a dining room in conjunction with a senior citizens facility;

(2) for the purposes of the By-law, a senior citizens facility means a facility within which all residents are at least 60 years of age or older; and,

CORRESPONDENCE

REPORTS

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **EIGHTH** Report for 1997 and respectfully recommends:

1. (a) That the Ministry of Environment and Energy (MOEE) be advised that the City of Hamilton does not object to Philip Environmental Inc. receiving approval for the construction and operation of two sedimentation ponds, as part of a storm water management plan, to be located along the west property boundary at Parkdale Avenue North adjacent to the Hamilton Harbour, on the condition that:

   (i) a monitoring program be implemented by the applicant under the direction of the Ministry of Environment and Energy, to ensure that the facility functions to the prescribed requirements; and,

   (ii) the Ministry of Environment and Energy consider imposing restrictions of any potential discharge of persistent toxic organics, heavy metals, suspended solids and phosphorus into Hamilton Harbour; and,

   (iii) the Ministry of Environment and Energy consider revisions to the design of the facility to include more naturalized features for both enhanced water quality treatment and aesthetics; and,

   (iv) all environmental, health and safety safeguards normally associated with the proposed activities are implemented to the satisfaction of the Ministry of Environment and Energy, and that all applicable City By-laws are complied with fully; and,

   (v) prior to the granting of the certificate of approval, the M.O.E.E. forward a copy of its final decision and conditions respecting the proposed storm water maintenance plan to the City of Hamilton for review; and,

(b) As per the requirements of the Guide for Applying for Approval of Municipal and Private Water and Sewage Works within the Ontario Water Resources Act, the City of Hamilton, to the satisfaction of the Commissioner of Public Works and Traffic, grant general acceptance, in the form of a signature by the city clerk, on the proposed project application; and,

(c) That a copy of this report and the municipal authorized application be forwarded to the Proctor and Redfern Limited, representing Philip Environment Inc., for final submission to the Ministry of Environment and Energy; and,

(d) That the Ministry of Environment and Energy be requested to forward a copy of its final decision respecting the requested Approval for Philip Environmental Inc. to the City of Hamilton.

2. (a) That the existing residential boulevard parking agreement registered as Instrument No. 120631 to the property at No. 51 Earl Street be amended at the property owner's expense; and,

(b) That the City Solicitor be authorized and directed to process the documents in relation to the amendment of this agreement.

3. (a) That a "Permit Parking" regulation be implemented on the east side of John Street North commencing at a point 25 feet north of Strachan Street East and extending to a point 33 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Nancy Cowan, No. 342 John Street North.

4. That the duration of the parking meters on the west side of London Street South, south of Main Street East, be revised from one hour to two hours and that the City Traffic By-law No. 89-72 be amended accordingly.

5. That a "No Parking" regulation be implemented on the west side of Balmoral Avenue North commencing at a point 245 feet south of Barton Street East and extending to a point 140 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly.

6. That a "No Parking" regulation be implemented on the west side of Sirente Drive commencing 65 feet south of the south curb line of Sirente Drive and extending to a point 34 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

7. (a) That a "Permit Parking" regulation be implemented on the east side of Catharine Street North commencing at a point 166 feet north of Macauley Street East and extending to a point 27 feet northerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

   (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Herculano Ferraz, No. 488 Catharine Street North.

8. (a) That a "Permit Parking" regulation be implemented on the south side of Clinton Street commencing at a point 27 feet east of Sherman Avenue North and extending to a point 20 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

   (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Kenneth Oliphant, No. 202 Sherman Avenue North.

9. That eastbound traffic on Embassy Drive be required to stop for northbound and southbound traffic on Locheed Drive and that the City Traffic By-law No. 89-72 be amended accordingly.

10. (a) That three-way stop control be implemented at the intersection of Carson Drive and Kingsberry Street; and,

    (b) That northbound traffic on Palace Boulevard be required to stop for eastbound and westbound traffic on Carson Drive; and,

    (c) That westbound traffic on Paris Avenue be required to stop for northbound and southbound traffic on Carson Drive; and,

    (d) That the City Traffic By-law No. 89-72 be amended accordingly.

11. That all-way stop control be implemented at the intersection of Central Avenue and Tragina Avenue South and that the City Traffic By-law No. 89-72 be amended accordingly.

12. That three-way stop control be implemented at the intersection of Rupert Court and Rushdale Drive and that the City Traffic By-law No. 89-72 be amended accordingly.

13. That the south curb lane of Limeridge Road East, commencing at Upper Sherman Avenue and extending to a point 50 meters westerly therefrom be designated as a right turn lane, and that the City Traffic By-law No. 89-72 be amended accordingly.

14. (a) That a "No Parking" regulation be implemented on the north and east sides of Butler Drive commencing at a point of 117 east of the east curb line of Butler Drive and extending to a point 55 feet north of the north curb line of Butler Drive; and,

    (b) That southbound traffic on Amherst Circle be required to stop for eastbound and westbound traffic on Butler Drive; and,

    (c) That the City Traffic By-law No. 89-72 be amended accordingly.

15. That the application of the Greek Orthodox Church, owner of No. 235 East 15th Street, to erect and maintain the encroachment of a landing measuring 0.8m x 4.0m and steps measuring 3.35m x 4.0m onto the road allowance of East 15th Street, be approved, subject to the following:

    (a) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

    (b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,

    (c) That the applicant pay a first year fee $252 and a subsequent annual fee of $20.

16. That the application of St. Mary's Catholic Church to temporarily close Park Street North between Colbourne Street and Mulberry Street and Sheaffe Street between Park Street and the east limit of Sheaffe Street, on the following dates:

Friday, 1997 August 8 from 6:30 o'clock p.m. to 11:00 o'clock p.m.

Saturday, 1997 August 9, from 7:00 o'clock p.m. to 2:00 o'clock a.m.

Sunday, 1997 August 10 from 6:00 o'clock p.m. to 11:00 o'clock p.m.

to hold the Our Lady of the Angels Festival, be approved, subject to the following conditions:

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

(b) That the applicant provide proof of $5,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

(c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,

(d) That all barricading be supplied by and at the expense of the applicant; and,

(e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic at the expense of the applicant; and,

(f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,

(g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation; and,

(i) That the applicant be granted extension to the City of Hamilton Noise By-law No. 79-292 and contract a City of Hamilton Noise By-law Officer to be in attendance throughout the event, at the expense of the applicant; and,

(j) That the LLBO be advised that the Council of the Corporation of the City of Hamilton is aware of the Our Lady of the Angels St. Mary's Portuguese Parish Festival being held on 1997 August 8th, 9th and 10th at St. Mary's Green Area, No. 25 Sheaffe Street, and deems this event to be a Community Festival of municipal significance, and as such has no objection to the issuance of a Special Occasion Permit for this event.

17. (a) That the portion of Section 17 of the Sixth Report of the Transport and Environment Committee for 1995 adopted by City Council on 1995 May 9, which refers to the approval of engineering schedules for "Ridgeview Estates - Phase 3", Hamilton, be deleted; and,

(b) That the submitted schedules of works be adopted for inclusion in the Subdivision Agreements with the Owners for the estimated costs of services in

"ALLISON ESTATES - PHASE 3 ", Hamilton,
City's Share $ -NIL-, Owner's Share $223,828.62.

"RIDGEVIEW ESTATES - PHASE 3 ", Hamilton,
(Revised Schedules "E" and "F")
City's Share $ -NIL-, Owner's Share $116,374.89; and,

(c) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreements with the Owners of "Allison Estates - Phase 3", Hamilton and "Ridgeview Estates - Phase 3", Hamilton and any other related documents for these Subdivisions subject to the approval of the City Solicitor; and,

(d) That approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement have been registered; and,

(e) In the event that the owners wish to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing.

18. (a) That the application of J. Dimas, proprietor of Yannis Restaurant, No. 22 Haymarket Street, to establish an Outdoor Boulevard Cafe in front of No. 22 Haymarket Street, measuring 1.52m' x 5.79m and 1.52m x 4.87m onto the Haymarket Street road allowance, be approved, subject to the following conditions:

(i) That the applicant enter into a Boulevard Cafe agreement in a form satisfactory to the Commissioner of Transportation and the City Solicitor; and,

(ii) That the applicant pay the processing and registration fee of $1,116 and a first year annual fee of $400 plus taxes, if applicable; and,

(iii) That the applicant provide proof of $5,000,000 public liability insurance, naming the City of Hamilton and holding the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

(iv) That the applicant occupy the licensed area of the boulevard from May 1 to October 31 of each year of the agreement, and that all furniture, equipment, etc. be removed from the road allowance at all other times; and,

(v) That the applicant provide access for the physically disabled utilizing the Barrier Free Design Standards adopted by Council on 1994 October 25; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the Boulevard Cafe Agreement.

19. That the application of the Ragin Cajun Restaurant (805715 Ont. Ltd.), located at No. 13 Hess Street South, to close Hess Street between George Street and King Street from 10:30 o'clock a.m. on Friday, 1997 August 15 to 12:00 o'clock noon on Monday, 1997 August 18, to hold the Hess Village "Acoustafest", be approved, subject to the following conditions:

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

(b) That the applicant provide proof of $5,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

(c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,

(d) That all barricading be supplied by and at the expense of the applicant; and,

(e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,

(f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,

(g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation; and,

(i) That the applicant be granted extension to the City of Hamilton Noise By-law No. 79-292 and contract a City of Hamilton Noise By-law Officer to be in attendance throughout the event, at the expense of the applicant; and,

(j) That the LLBO be advised that the Corporation of the City of Hamilton is aware of the application for a Temporary Extension of Liquor Licence submitted by the Ragin Cajun, No. 13 Hess Street South, in conjunction with the Hess Village "Acoustafest" to take place 1997 August 15, 16, 17 and that the City has no objection to the issuance of a Temporary Extension of Liquor Licence for this event.

20. That three-way stop control be implemented at the intersection of Acadia Drive and Elite Drive and that the City Traffic By-law No. 89-72 be amended accordingly.

21. That the applications to retain inadvertent encroachments at the locations as outlined on Appendix "A", attached hereto, be approved, provided:

(a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

(b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,

(c) That the first year fees and subsequent annual fees as outlined in Appendix "A" be set for the encroachments.

22. That the application of the Hamilton and District Labour Council to temporarily close the following City streets:

Hunter Street between Park Street and Bay Street

Bay Street between Barton Street and Stuart Street

Stuart Street between Bay Street and MacNab Street

MacNab Street between Stuart Street and Murray Street

Murray Street between MacNab Street and James Street

James Street between Murray Street and Barton Street

on Monday, 1997 September 1, from 9:00 o'clock a.m. to 12:00 o'clock noon, to hold the annual Hamilton Labour Day Parade, be approved, subject to the following conditions:

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

(b) That the applicant provide proof of $2,000,000 public liability insurance naming the City of Hamilton and the Region as an added insured party, with a provision for cross liability and holding the City of Hamilton and the Region harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

(c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,

(d) That all barricading be supplied by and at the expense of the applicant; and,

(e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,

(f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,

(g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation.

23. That all-way stop control be implemented at the intersection of Chesley Street and Chester Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.

24. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) A-49 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

(b) A-50 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

Kevin C. Christenson, Secretary

1997 July 2nd

Appendix "A" as referred to in Section 21 of the Eighth Report of the Transport and Environment Committee for 1997

Location	Municipal Address	Owner	Type of Encroachment	First Year/ Annual Fee
Bay Street North	208 Bay Street North	D. & G. Desender S. Heroux & F. Brule	Portion of the building measuring 0.15m x 7.75m Steps measuring 0.15m x .905m	$184/20
Caroline Street South	215 Caroline Street South	Y. Lewis	Steps measuring 1.2m x 0.7m	$184/20

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **SEVENTH** Report for 1997 and respectfully recommends:

1. (a) That a one-sided plaque commemorating the historical significance of Robert Land as an early Hamilton settler be approved and erected at one of the following locations yet to be determined:

    (i) Option 1 - On the property of St. Matthew's House located at the corner of Barton Street East and Leeming Street

    (ii) Option 2 - Municipal Carpark No. 82 located at 402 Barton Street East; and,

    (b) That the appropriate plaque wording be forwarded to the Parks and Recreation Committee for information at a future date; and,

    (c) That the cost of the plaque in the approximate amount of $2,000 be charged to Account No. CH 55976 71505 (Plaquing Account); and,

    (d) That in the event that the plaque is erected on the property of St. Matthew's House, listed as Option 1 above, that the City Solicitor be requested to prepare an agreement to have the plaque placed on private property.

2. (a) That approval be given to issue a purchase order in the amount of $71,235.25 inclusive of G.S.T. ($4,660.25) to commission Black & McDonald Limited, No. 158 South Service Road, Stoney Creek, Ontario for the supply, delivery and installation of refrigeration plant control systems at four arenas, this being the lowest acceptable Form of Proposal received in accordance with the specifications (C15-9-97) issued by the Purchasing Division; and,

    (b) That the cost for this project be financed from Canada/Ontario Infrastructure Works Projects Energy Management Account No. CF809453014.

3. (a) That approval be given to issue a Purchase Order to Bestco Construction Corp. of Hamilton, Ontario as the General Contractor for the Chedoke Twin Pad Arena Architectural and Mechanical Modifications project which includes: change rooms dehumidification and repair, barrier free design modifications, spectator heating modifications, and explosion relief panel installation, in the amount of $182,921 plus applicable GST to a total of $195,725 as the lowest qualified and acceptable of six (6) bids received in accordance with tender documents issued; and,

   (b) That a contract be entered into satisfactory to the City Solicitor; and,

   (c) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City.

4. That blanket purchase orders be issued for the supply of food stuffs for City Concession Operations within the Culture and Recreation Department during 1997 and 1998 to the following vendors and be financed through various Concession Operation Accounts:

   (a) To Harper's Wholesale, Hamilton, Ontario, not to exceed $85,000 per year

   (b) To Serca Hickeson, Hamilton, Ontario, not to exceed $100,000 per year

   (c) Linc's Wholesale, Hamilton, Ontario, not to exceed $40,000 per year

   (d) Golden Horseshoe, Burlington, Ontario, not to exceed $50,000 per year

   (e) Spring Creek Meats, Hamilton, Ontario, not to exceed $20,000 per year

   (f) Finlay Greenwood, Hamilton, Ontario, not to exceed $40,000 per year.

5. That approval be granted to the Hamilton Hornet Rugby Football Club to sell alcoholic beverages at Mohawk Sports Park on the following dates, by Special Occasion Permits only, and in accordance with the terms and conditions of the Licence Agreement.

July:	12,15,20,26,27
August:	2,9,16,20,23,24,28,29,30,31
September:	6,13,20,27
October:	4,18,25

6. (a) That the Director of Culture and Recreation, the Commissioner of Public Works and Traffic and the City Solicitor be authorized to prepare an agreement with Nike Canada Ltd. and the Altamira Foundation to provide an outdoor basketball pad at Carter Park at no cost to the City of Hamilton, said pad to be constructed under the supervision of and to the satisfaction of the Commissioner of Public Works and Traffic, and with a target completion date of 1997 August 8; and,

(b) That the Director of Culture and Recreation be authorized to interview and select a local artist(s) to paint a mural illustrating an appropriate sporting scene to be painted on the west wall of the Clairmont access, adjacent to the new basketball court; prepare reports for necessary approvals and report back to the Parks and Recreation Committee at its August meeting.

7. (a) That Hamilton City Council endorse, in principle, partnership with the Six Nations of the Grand River and the New Credit Band Council, as lead sponsors and the City of Brantford in the preparation of a Bid to host the 2002 North American Aboriginal Games; and,

(b) That the Director of Culture and Recreation be authorized to provide staff support in the preparation of the Bid and funding to an upset limit of $5,000 as the City's share in the cost of preparing the Bid, with funding to be provided from the 1997 current budget for the Department; and,

(c) That the Regional Municipality of Hamilton-Wentworth be requested to support the Bid on the basis of the significant economic benefits this event will provide to the Region and that matching funding to an upset limit of $5,000 be provided and that staff from the Department of Economic Development be authorized to provide support to the Bid; and,

(d) That the Director of Culture and Recreation report back on the progress of the Bid and with specific reference to financial implications relative to hosting some elements of the Games.

8. That approval as required by Parks By-law No. 95-126, Section 23 - Aircraft and under the Standard Terms and Conditions of the Special Events Guidelines, be given to CANUSA Games - Hamilton Branch on 1997 August 8 to allow the St. Catharines Parachute Club to make a four man jump into Bernie Arbour Stadium as part of the Opening Ceremonies for the 40th Canusa Games.

9. (a) That a purchase order be issued to LaFarge Construction, Hamilton, Ontario in the amount of $96,512.93 including all taxes and contingency, for the reconstruction of the parking area at Scott Park, being the lowest of four tenders received in accordance with specifications C-16-24-97 issued by the Purchasing Division and the Vendor's tender, and that this expenditure be financed from the Canada/Ontario Infrastructure Account No. CF5200 809453015 - Parking Lots and Pathways; and,

(b) That a purchase order be issued to Arrowhead Paving, Burlington, Ontario in the amount of $81,099.58 including all taxes and contingency, for the reconstruction of the parking area at Montgomery Park, being the lowest of four tenders received in accordance with specifications C-16-24-97 issued by the Purchasing Division and the Vendor's tender, and that this expenditure be financed from the Canada/Ontario Infrastructure Account No. CF5200 809453015 - Parking Lots and Pathways in the amount of $31,551.08; the remaining $49,548.50 will be financed from CF5255 629754024 - Park Development and Redevelopment 1997.

10. (a) That the Chief Administrative Officer be authorized to finalize arrangements with J.J. Barnicke Ltd. for the purpose of facilitating negotiations between the City and CN with the objective of securing certain property for a recreational trail between Bayfront Park and the Desjardins Canal; and,

(b) That a sub-committee, consisting of Alderman Eisenberger, Alderman Anderson and Alderman Charters, be established to work with the C.A.O. and staff in the co-ordination of all components and issues of the waterfront trail, including, but not limited to the acquisition of required properties, design, development, etc.

Respectfully Submitted,

ALDERMAN T. ANDERSON, VICE-CHAIRMAN
PARKS AND RECREATION COMMITTEE

Kevin C. Christenson
Secretary

1997 July 3rd

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **ELEVENTH** Report for 1997 and respectfully recommends:

1. (a) On the basis of Council's previous decision to approve conversion to condominium for the property located at No. 141 Catharine Street South, that approval be given to Application CD-97-001, under the Rental Housing Protection Act, 1167829 Ontario Limited, owner, for conversion of 57 rental apartment units to condominium units for the property located at 141 Catharine Street South, on the following basis:

   (i) That the Owner offer, in writing, to the Tenants residing at the premises on the date of Council's approval, the right to lease their current unit, noted in Appendix "A", for a period of not less than five years from the registration on title of the Rental Housing Protection Act (RHPA) Approval Agreement required below, at the rent rate set out in Appendix "A", upon the following minimum terms:

      (1) the Offer shall be open for acceptance by the Tenants for a period of 30 days from the date the Offer is sent; and,

      (2) the City will send the Offer, by registered mail, to the tenants residing at the premises as of the date of Council approval of the Rental Housing Protection Act application, immediately following the expiration of the appeal period of the Council approval; and,

      (3) that leases entered into as a result of (i) and (ii) above, be executed prior to the City's execution of the RHPA Approval Agreement; and,

      (4) that the Tenants' rent shall not be increased during the duration of the lease but for increases permitted under the Residential Rent Regulation Act, as amended; and,

      (5) that such lease shall commence on the date the Owner's Offer is accepted by signature of the Tenant; and,

(6) that the Tenants may terminate the said lease at any time on 60 days written notice, without penalty; and,

(ii) That the Owner grant to the Tenants named in Appendix "A" an Option to Purchase a Unit specified in Appendix "A", (together with appurtenant interests). Such Option shall allow each tenant at least five years from the registration on title of the RHPA Approval Agreement to exercise their Option to purchase a unit. Within forty-five (45) days of a Tenant's Notice that it is exercising the Option, the Owner and Tenant shall negotiate and enter into an Agreement of Purchase and Sale form, in a form acceptable to the Hamilton Real Estate Board, with the necessary amendments for the sale of a Unit by the Owner; and,

(iii) (1) That the City send by registered mail to the tenants residing at the premises as of the date of the Council approval of the RHPA application, the Option to Purchase details set by City Council; and,

(2) That the notice indicated in section (i) above shall be sent immediately following the expiration of the appeal period of the Council approval; and,

(3) That the tenants noted in (i) above shall be given 30 days from the date of the letter sent by the City to notify the City whether they are or are not interested in further considering the option; and,

(iv) That this RHPA approval shall cease and be at an end,

(1) if the Owner has sold the land without entering and registering the RHPA Approval Agreement with the City; and,

(2) in any event, within five years from the date of this approval resolution of Council, unless the Owner has prior to such date, registered a Plan of Condominium in accordance with the applicable legislation and any conditions imposed by the City of Hamilton; and,

(v) That the Owner shall enter into a RHPA Approval Agreement with the City satisfactory in form to the Director of Planning and Development and to the City Solicitor, incorporating the City's conditions of approval listed herein (and in Appendices "A" and "B" annexed hereto) and register such Agreement on title to the subject property prior to the issuance of the RHPA Certificate of Approval; and,

(vi) In the event that the Owner proposes to sell all of the subject lands, he/she shall ensure that any prospective new land owner of the whole property, enters into an assumption agreement to assume the obligations of the Owner herein; and,

(vii) That the Owner provide the City Solicitor and the Director of Planning and Development with satisfactory evidence that any and all mortgagees of the property consent to the Rental Housing Protection Act (RHPA) application; and,

(viii) That the Owner pay all outstanding taxes owing to the City before the issuance of the RHPA Certificate of Approval.

(b) That upon satisfaction of the above-noted conditions, the City Clerk be authorized to execute the Certificate of Approval in a form satisfactory to the City Solicitor.

2. (a) That approval be given to Subdivision Application 97-02 (Regional File No. 25T-97005), DiCenzo Construction Company Ltd., owner, to establish a draft plan of subdivision "Bishop Ryan School Site", on lands located south of Queenston Road, east of Walter Avenue and west of Parkdale Avenue in the Glenview West Neighbourhood, as shown on the attached map marked as Appendix "C" subject to the following conditions:

(i) That this approval apply to the plan, prepared by Planning Initiatives Ltd. and certified by W. Bruce Clark, O.L.S. of MacKay, MacKay and Peters Ltd., dated April 7, 1997, showing 40 lots for single detached dwellings and two streets identified as Streets "A" and "B", attached as Appendix "D"; and,

(ii) That the owner agree in writing with the City that Lots 1, 2, 3, 4, 17, 18, 19, 20, 21, 22, 23, 24, 37, 38, 39 and 40 on the proposed plan be used only for those purposes permitted in a "C" District under the existing City of Hamilton Zoning By-law, as amended from time to time, and that such restriction be registered on title to the said lots to the satisfaction of the City's solicitors; and,

(iii) That the Owner establish Streets "A" and "B" to their full 20.0m width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision; and,

(iv) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(v) That access to Lots 1, 20, 21 and 40 be located at the south side of the lot; and,

(vi) That Streets "A" and "B" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(vii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(viii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(x) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xii) The owner must satisfy all requirements, financial and otherwise of the City of Hamilton prior to the development of any portion of these lands; and,

(xiii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(xv) That the owner authorize the City in writing to rezone, and to post on the property notice to the public of the application to rezone, to "C" (Urban Protected Residential, etc.) District those lands zoned "H" (Community Shopping and Commercial, etc.) District within the proposed plan of subdivision, shown thereon as Lots 1, 2, 3, 18, 19, 20, 21, 22, 23, 38, 39 and 40 and part of Lots 4, 17, 24 and 37, and further agree in writing with the City not to object to such rezoning and to impose a similar restriction on any purchaser of all or part of the property where such purchase is completed prior to the completion of such rezoning.

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97004), DiCenzo Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

3. A. That the Jerome Neighbourhood Plan be amended by:

(a) revising the road pattern to provide for a through street instead of a cul-de-sac; and,

(b) redesignating the lands municipally known as No. 191 Stone Church Road East from "Institutional and Recreational" to "Single and Double" Housing;

for the lands located north of Stone Church Road East, west of Upper Wellington Street, as shown on the attached map marked as Appendix "E".

B. (a) That approval be given to Subdivision Application 97-01 (Regional File 25T-97-004), Scarlett Homes, Ltd., applicant, to establish a draft plan of subdivision "Wellington Meadows", for lands located west of Upper Wellington Street, on the north side of Stone Church Road East, known municipally as Nos. 117, 123, 131, 139 & 151 Stone Church Road East, comprising of 42 lots for single detached dwellings, three future roads, two blocks for road widenings and one block for a 0.3 m reserve, subject to the following conditions:

(i) That this approval apply to the plan, prepared by Urbex Engineering Limited Professional Engineers and certified by John P. Nouwens, O.L.S., dated April 8, 1997, as red line revised, showing 42 lots for single detached dwellings, 3 future roads, 2 blocks for road widenings and 1 block for a 0.3 m reserve (see attached Appendix "F"); and,

(ii) That lots 1 to 15 inclusive not be developed until such time as street access via the east-west portion of the "future street", currently on Lands of the Board of Education, is established and constructed to its full 20 m width from the west limits of Court "A" to the east limits of Street "B"; and,

(iii) That 0.3 m reserves be established at the east limit of Street "C" and at the east, west and north limits of the adjacent future street on the lands of the Board of Education and be dedicated to the City of Hamilton by deed; and,

(iv) That any phasing of this development and any temporary works required to accommodate the same, be to the satisfaction of the Regional Environment Department; and,

(v) That the applicant/owner include 1.0 m boulevards in the typical cross-section for this development, where a municipal sidewalk is required; and,

(vi) That the final plan conform with the applicable provisions of the "C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single Family Dwelling) District in the City of Hamilton Zoning By-law No. 6593; and,

(vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan; and,

(viii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under section 51 of the Planning Act; and,

(ix) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,

(x) That the streets be named to the satisfaction of the City of Hamilton; and,

(xi) That the streets be dedicated to the City of Hamilton as public highways in the final plan; and,

(xii) That the owner prepare and submit, to the satisfaction of the City of Hamilton, a municipal street numbering plan; and,

(xiii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xiv) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of

Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measures after each rainfall to the satisfaction of the Senior Director, Roads Department; and,

(3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction; and,

(xv) That the Owner be required to enter into a modified subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,

(xvi) That the Owner provide the Region with documentation to the satisfaction of the Regional Environment Department and Utility Corporations (Hamilton Hydro, Union Gas, Bell Canada and Cable TV) that the standard roadway cross-section, utilities and municipal sidewalks etc., for a 20.0m road allowance, can be installed on both sides of Court "A", proposed at 18.0m width; and,

(xvii) That the applicant/owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SAR-97-01/25T-97004), "Wellington Meadows", proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(d) That approval be given to Amended Zoning Application 97-14, Scarlett Homes Ltd., applicant, for changes in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District for Block "1", from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District for Block "2", and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "3", for lands located at Nos. 117, 123, 131, 139 and 151 Stone Church Road East, to permit development of the subject lands for 24 small lot single-family dwellings and 15 single-family dwellings (3 single-family dwellings under the related subdivision application SAR-97-01 do not require rezoning), as shown on the attached map marked as Appendix "G", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Dwelling) District; and,

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Dwelling) District; and,

(iii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(iv) That the Director of Planning and Development be directed to prepare a by-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. That the approved Gilkson Neighbourhood Plan be amended by deleting the walkway located between Nos. 37 and 51 Glenvale Avenue.

5. That the City Solicitor be authorized and directed to amend Mobile Sign By-Law 97-026 by deleting the existing requirements of Schedule "B" Permit Fees: and substituting the following:

All permit applications shall be submitted to the Chief Building Official and must be accompanied by a cheque or cash in the amount of:

(i) thirty five dollars ($35.00) per two week period for the first 4 weeks;

(ii) twenty five dollars ($25.00) per two week period beyond the initial first 4 weeks; and

(iii) seventy dollars ($70.00) per two week period for any sign erected prior to issuance of a permit.

6. That the Central/Beasley Account Number CF 5000-429102003 be utilized to plant 101 trees abutting Ferguson Avenue between Barton and Cannon Streets, at a total cost of $37,126 including G.S.T. and P.S.T.

7. (a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Ninth Annual Public Service Announcement competition:

First Prize: Adam Hunter
Second Prize: Kerry Sue Blanchenot
Third Prize: Jamie Sparks

(b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at $600, second prize at $400, and third prize at $200 and a donation to Mohawk College Media Studies Department of $1,300 for development of the videos and use of the equipment.

8. (a) That Schedule 'B' of By-law No.97-010 appointing the Ottawa Street B.I.A. Board of Management be repealed and the following names substituted:

Gord Culshaw	**Culshaw Cakes**
John Driscoll	**Ottawa Market and Discount Center**
John Gut	**Textile Centre**
Tony Bifano	**Anton Video**
Greta Munt	**Greta's Flair**
Rosemary Young	**Wentworth Paints**
Daniel Kwiatkowski	**Beach Road Meats**
Toby Yull	**Toby's Interior Design**
John Bazinet	**L. G. Wallace Funeral Home**

(b) That the City Solicitor be authorized and directed to amend By-law No.97-010 pursuant to (a) above.

9. (a) (i) That a secured loan in the amount of sixty-five thousand dollars ($65,000) to Stanley and Elise Lam, for improvements to 304 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of twenty-five thousand dollars ($25,000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of ten thousand dollars ($10,000) to Stanley and Elise Lam for improvements to 304 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of five thousand dollars ($5,000) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

10. (a) That a secured loan in the amount of seventeen thousand, seven hundred and sixty-three dollars ($17,763) to Octavio and Mirella Raposo, for improvements to 353 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of eight thousand, eight hundred and eighty-one dollars ($8,881) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

11. That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, seven hundred and fifty four dollars ($1,754) be approved for Josephine Siemaszko, 216 Grenfell Street. The interest rate will be 2 per cent amortized over 5 years.

12. (a) That the balance of funds of $46,227 remaining from the $120,000 allocated for the Hamilton Rehabilitation Assistance Program (HARP) - Retaining Wall Program for the Green Cedar/Firenze area, be utilized on a first come first served basis, for applications that may arise outside the Green Cedar/Firenze area; and,

(b) That an increased allocation of funds for the Retaining Wall Program be referred to the Capital Budget Sub-Committee for consideration in the 1998 Capital Budget.

13. (a) That the Hamilton Community Heritage Fund Program be amended to reduce the interest rate from half of prime in the first five years; and prime for the second term of five years; to 2% for a single term of ten years; and,

(b) The City Solicitor be directed to amend By-law 85-120 so as to reflect these changes.

14. That the Building Commissioner be authorized to issue a demolition permit for 99 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

15. That the Building Commissioner be authorized to issue a demolition permit for 75 Tragina Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

16. (a) That approval be given to Zoning Application ZAR 97-25, Nicola Clarizio, owner, requesting removal of the 'H' - Holding provision under Section 36 of the Planning Act to permit commercial development, for property located at No. 852 Upper Wentworth Street, as shown on the attached map marked as Appendix "H". The 'H' - Holding provision was placed on the subject lands until such time as the applicant\owner applies for and receives approval of a Site Plan Control application; and,

(b) That the Director of Planning be directed to prepare a By-law to amend Zoning By-law No. 6593, as amended by By-law No. 95-111, and Zoning District Map E-18, in a form satisfactory to the City Solicitor, for presentation to City Council.

17. That approval be given to Wentworth Construction Planning on behalf of the owner Citslap Industries Plastics Limited, for a further extension of the approval of Site Plan Control Application DA-93-05 to 1998 January 7, for 139-147 Locke Street South, with appropriate agreement registered on title to recognize the extension, and that at the end of this period if a Building Permit has not been issued, the proposed development will be subject to a new Site Plan Control Application.

18. (a) That approval be given to Part Lot Control Application 97-01, 456941 Ontario Ltd., owner, to remove part-lot control for Block 19, located in "Eaglewood Manor", to permit the subdivision of Block 19 into 3 lots, as shown on the attached map marked as Appendix "I"; and,

(b) That the appropriate By-law, to remove part lot control from Block 19, Registered Plan 62M-622, "Eaglewood Manor" plan of subdivision, be enacted by Council; and,

(c) That the exempting By-law be restricted to a 1 year effective time period to expire on 1998 July 15; and,

(d) That the exempting By-law not be forwarded to Council for adoption until such time as the following conditions have been satisfied:

(i) the Owner has paid all outstanding servicing costs to the City of Hamilton and the Regional Municipality of Hamilton-Wentworth to the satisfaction of the Commissioner of the Regional Environment Department prior to the lifting of the 0.30 metre reserve, Block 39, Plan 62M-806; and,

(ii) The Owner submit a Lot Grading Plan, prepared by a qualified Professional Consulting Engineer, for the Lots being created and enter into a Lot Grading Agreement with the City of Hamilton prior to the issuance of Building Permits to the satisfaction of the Commissioner of the Building Department; and,

(iii) Development of the proposed lots be subject to the roadway connecting Gagliano Drive and Bolzano Drive being established and constructed to its full width; and,

(e) That following the enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

19. (a) That approval be given to application CDM-97-04 (Regional File 25CDM-97005), 712169 Ontario Limited (Gino Malatesta), owner, to establish a draft plan of condominium "Gage Hill", located south of the Red Hill Creek Expressway, on the west side of Upper Gage Avenue and known municipally as 1232 Upper Gage Avenue, as shown on the attached map marked as Appendix "J", subject to the following conditions:

(i) That this approval apply to the plan prepared by A.J. Clarke and Associates Limited and certified by B.J. Clarke, O.L.S., dated May 8,

1997, showing a total of 7 residential townhouse units, as shown on Appendix "K"; and,

(ii) That the Final Plan of Condominium be in strict conformity with the Site Plan approved on 1997 May 16, under application DA-97-04; and,

(iii) That the applicant enter into a Site Plan agreement with the City, prior to final approval of the Condominium; and,

(iv) That the Condominium Corporation be required to enter into and register on title, prior to the sale of any unit, an Agreement of the Condominium Corporation to assume and be bound by the Site Plan Agreement, to the satisfaction of the City Solicitor; and,

(v) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

20. That a Heritage Permit be approved for the construction of a new single-family dwelling at 8/14 Chilton Place in the Durand-Markland Heritage Conservation District (designated under Part V of the Ontario Heritage Act), as shown on the attached drawings marked as Appendix "L" (dated 1997 May 15) and Appendix "M" (dated 1997 May 20).

21. (a) That the applications for grants provided by the Gore Heritage 2000 Program be approved by the CAO; and,

(b) That the maximum grant per property be established at $20,000.

22. (a) That approval be given to the Intent to Designate the building known as "Century Manor", located on the Hamilton Psychiatric Hospital grounds at 100 West Fifth Street, as a property of historical and architectural value as outlined in the Reasons for Designation attached hereto and marked as Appendix "N", pursuant to the provisions of the Ontario Heritage Act, 1983; and,

(b) That the City Solicitor be authorized as directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

23. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) C-44 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-laws No. 92-197 and 93-117 Respecting Land Located at Municipal No. 195 Ferguson Avenue North.

(b) C-45 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located West of Upper Kenilworth Avenue and North of Limeridge Road East.

(c) C-46 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located at Municipal No. 661 Upper Wellington Street.

(d) C-47 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at the South-West Corner of King William Street and Wentworth Street North Known Municipally as 488 King William Street and 15 Wentworth Street North.

(e) C-48 A By-law to Establish Site Plan Control Respecting Land Located at Municipal No. 488 King William Street and 15 Wentworth Street North.

(f) C-49 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 93-042 Respecting Lands Located East of Springside Drive, South of Jacqueline Boulevard and West of the Proposed Extension of Upper Wellington Street.

(g) C-50 A By-law to Amend Zoning By-law No. 6593 as Amended by Zoning By-law No. 95-111 Respecting Lands Located at Municipal No. 852 Upper Wentworth Street.

(h) C-51 A By-law to Establish Site Plan Control Respecting Lands Located at the Rear of Municipal Nos. 1170-1180 Upper James Street.

(i) C-52 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located North of Stone Church Road West and East of Garth Street at the Easterly Limits of Brigadoon Drive.

(j) C-53 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 117, 123, 131, 139 and 151 Stone Church Road East.

(k) C-54 A By-law to Amend By-laws No. 96-019, 97-54 and 97-90 Respecting The Barton Village Business Improvement Area.

Respectfully submitted,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE

Tina Agnello, Secretary
1997 July 2

MONTHLY RENTAL CHARGES AS OF MAY 1, 1997

141 Catharine Street South

Unit 101 141 Catharine Street South
Unit 101
Hamilton, ON
L8N 2J7

Rent: $527.46

Unit 102 141 Catharine Street South
Unit 102
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 103 141 Catharine Street South
Unit 103
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 201 141 Catharine Street South
Unit 201
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 202 141 Catharine Street South
Unit 202
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 203 141 Catharine Street South
Unit 203
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 204 141 Catharine Street South
Unit 204
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 205 141 Catharine Street South
Unit 205
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 206 141 Catharine Street South
Unit 206
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 301 141 Catharine Street South
Unit 301
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 302 141 Catharine Street South
Unit 302
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 303 141 Catharine Street South
Unit 303
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 304 141 Catharine Street South
Unit 304
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 305 141 Catharine Street South
Unit 305
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 306 141 Catharine Street South
Unit 306
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 401 141 Catharine Street South
Unit 401
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 402 141 Catharine Street South
Unit 402
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 403 141 Catharine Street South
Unit 403
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 404 141 Catharine Street South
Unit 404
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 405 141 Catharine Street South
Unit 405
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 406 141 Catharine Street South
Unit 406
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 501 141 Catharine Street South
Unit 501
Hamilton, ON
L8N 2J7

Rent: $465.79

Unit 502 141 Catharine Street South
Unit 502
Hamilton, ON
L8N 2J7

Rent: $475.00

Unit 503 141 Catharine Street South
Unit 503
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 504 141 Catharine Street South
Unit 504
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 505 141 Catharine Street South
Unit 505
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 506 141 Catharine Street South
Unit 506
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 601 141 Catharine Street South
Unit 601
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 602 141 Catharine Street South
Unit 602
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 603 141 Catharine Street South
Unit 603
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 604 141 Catharine Street South
Unit 604
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 605 141 Catharine Street South
Unit 605
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 606 141 Catharine Street South
Unit 606
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 701 141 Catharine Street South
Unit 701
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 702 141 Catharine Street South
Unit 702
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 703 141 Catharine Street South
Unit 703
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 704 141 Catharine Street South
Unit 704
Hamilton, ON
L8N 2J7

Rent: $465.79

Unit 705 141 Catharine Street South
Unit 705
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 706 141 Catharine Street South
Unit 706
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L8N 2J7

Rent: $425.00

Unit 801 141 Catharine Street South
Unit 801
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L8N 2J7

Rent: $455.78

Unit 802 141 Catharine Street South
Unit 802
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 803 141 Catharine Street South
Unit 803
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 804 141 Catharine Street South
Unit 804
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 805 141 Catharine Street South
Unit 805
Hamilton, ON
L8N 2J7

Rent: $550.00

Unit 806 141 Catharine Street South
Unit 806
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 901 141 Catharine Street South
Unit 901
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 902 141 Catharine Street South
Unit 902
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 903 141 Catharine Street South
Unit 903
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 904 141 Catharine Street South
Unit 904
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 905 141 Catharine Street South
Unit 905
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 906 141 Catharine Street South
Unit 906
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 1001 141 Catharine Street South
Unit 1001
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 1002 141 Catharine Street South
Unit 1002
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 1003 141 Catharine Street South
Unit 1003
Hamilton, ON
L8N 2J7

Rent: $495.00

Unit 1004 141 Catharine Street South
Unit 1004
Hamilton, ON
L8N 2J7

Rent: $525.00

Unit 1005 141 Catharine Street South
Unit 1005
Hamilton, ON
L8N 2J7

Rent: $450.00

Unit 1006 141 Catharine Street South
Unit 1006
Hamilton, ON
L8N 2J7

Rent: $495.00

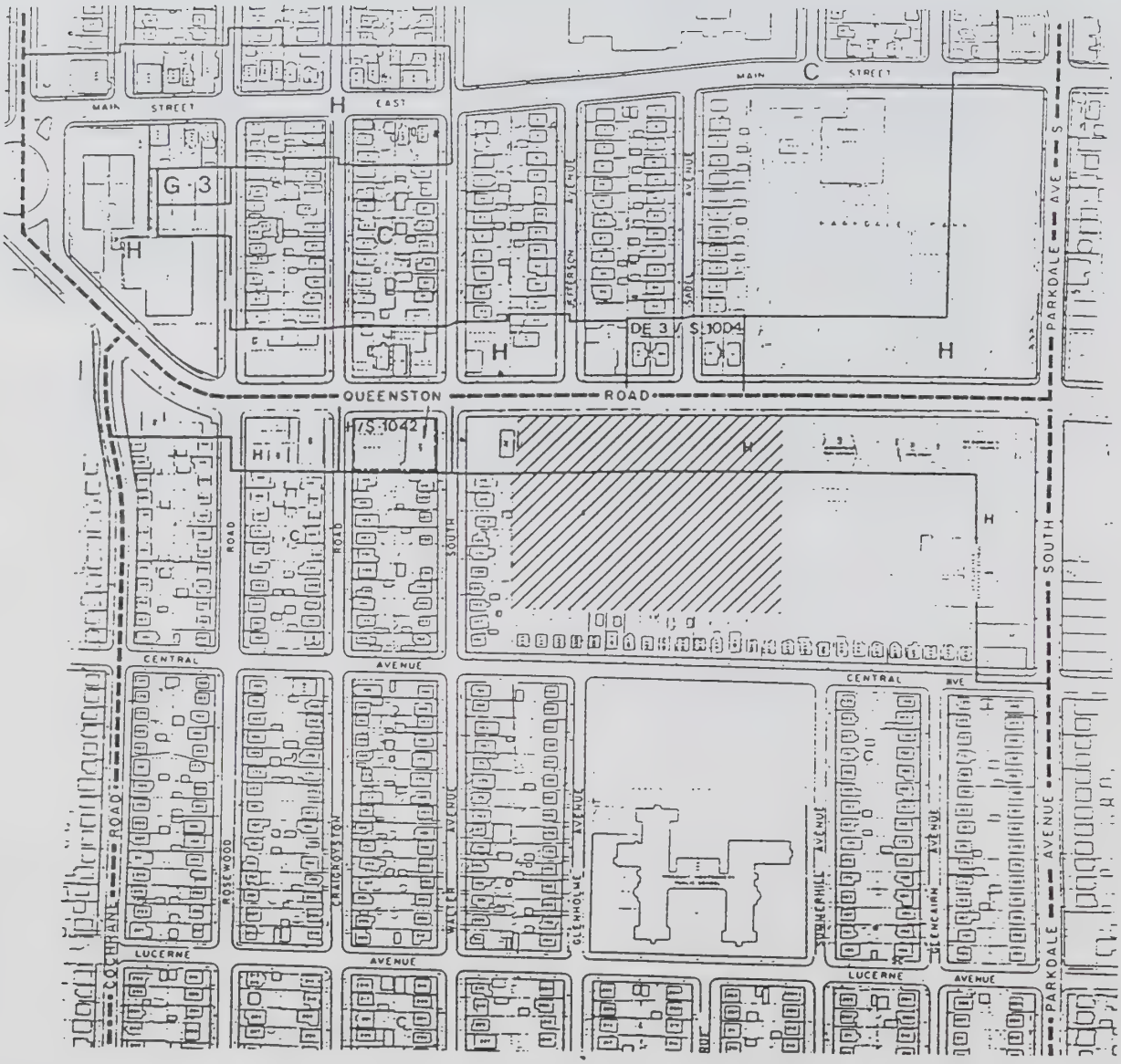
The conditions of RHPA approval are subject to the following standard terms, which terms shall form part of the applicable document:

(a) The following documents, namely the RHPA Approval Agreement, the leases and the Options to purchase shall be prepared by the Owner and registered by the Owner at his/her expense, including payment of registration fees.

(b) If the Tenant at any time vacates their rental unit, the Tenant's rights pursuant to lease and the Option to Purchase shall cease. The Tenant may not enter into an Agreement of Purchase and Sale unless the Tenant is at the time of its execution in possession of a rental unit.

(c) The Tenant's rights under the RHPA Approval Agreement, the lease, and the Option to Purchase shall be personal to the named Tenant(s) only and not assignable by the Tenant(s) to anyone, unless approved by the owner, in the owners absolute discretion.

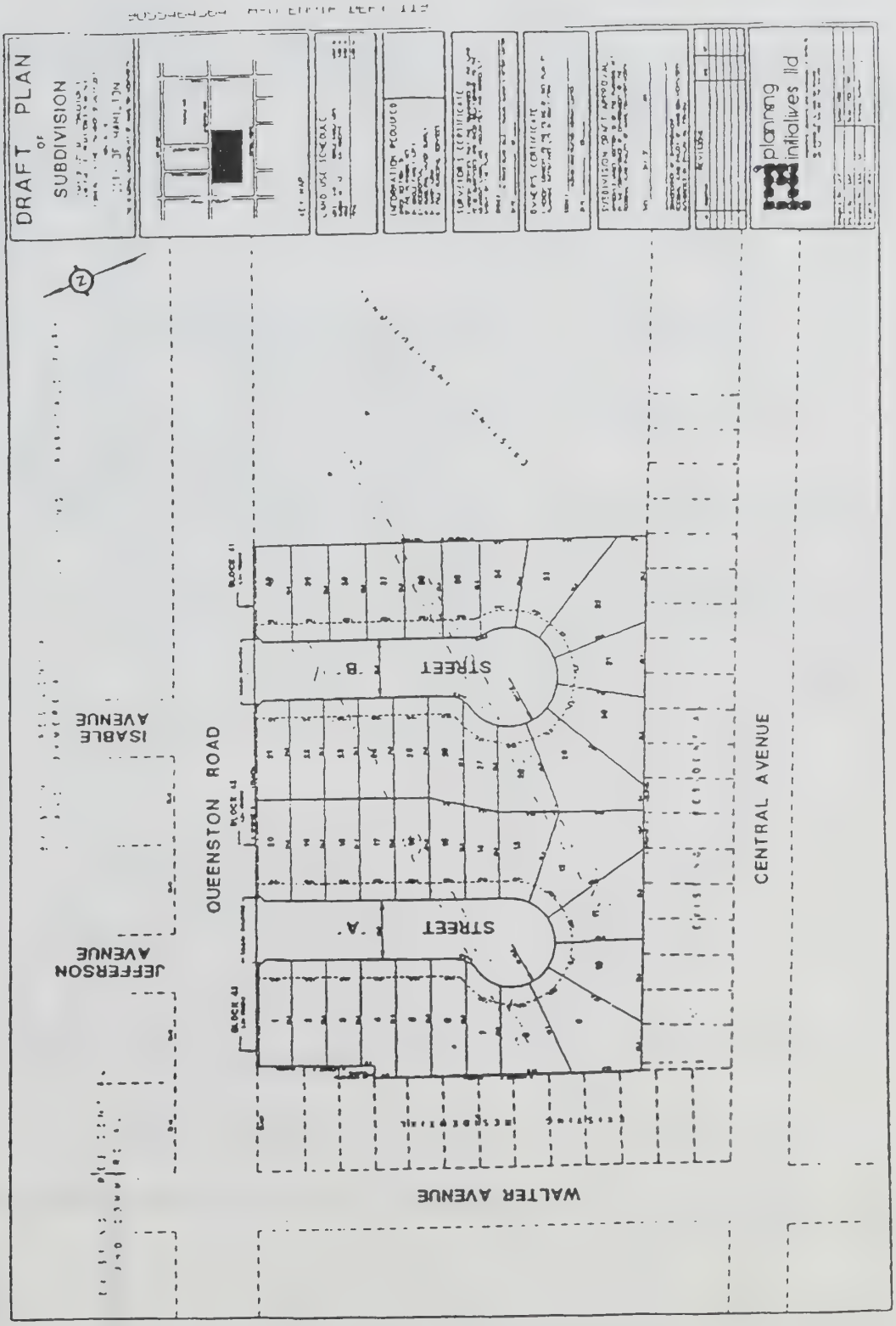
Appendix "C" referred to in Section 2(a) of the **ELEVENTH** Report of the Planning and Development Committee for 1997

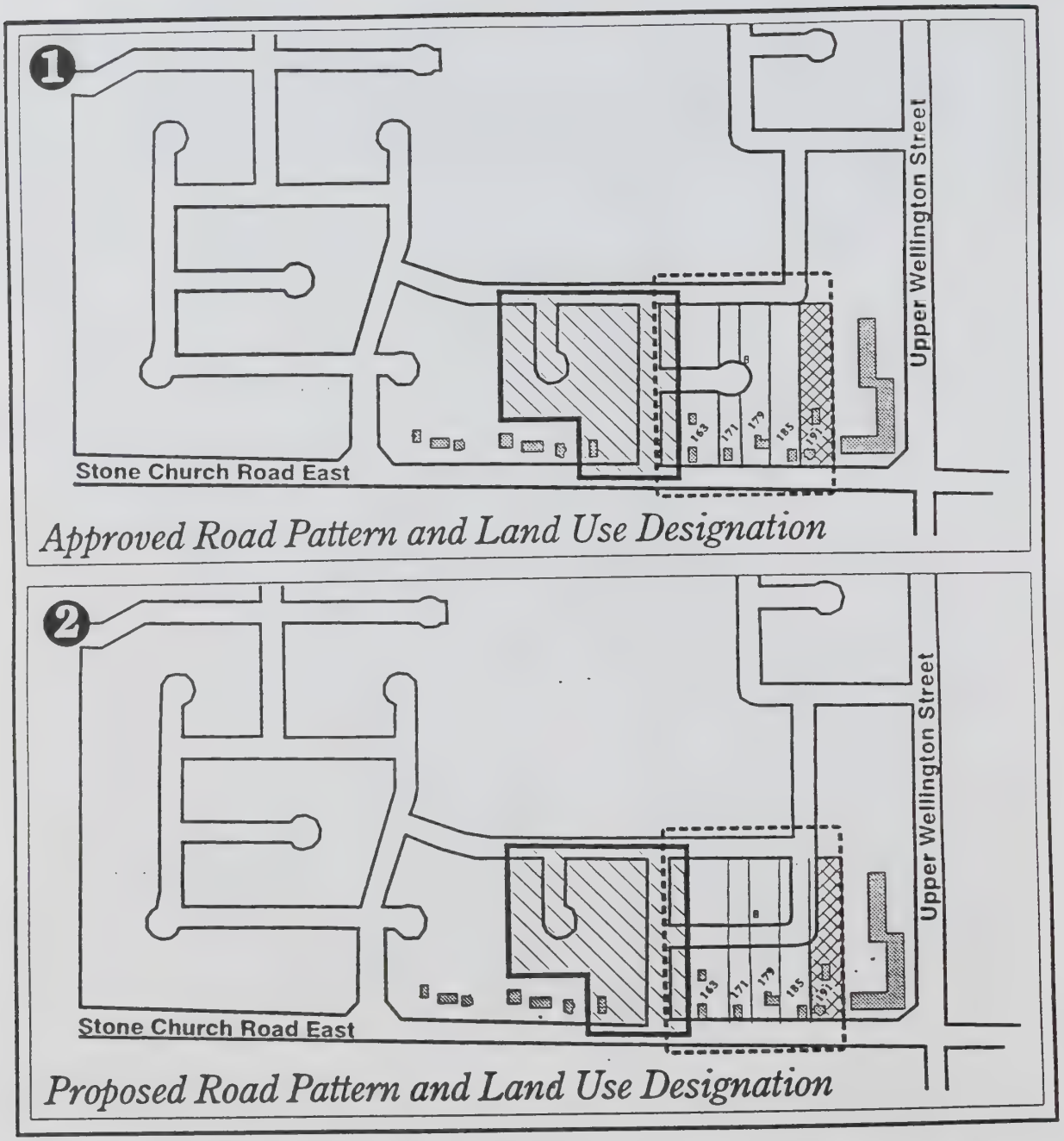


Legend

Site of the Application

Reference File No.	
SAC-97-02	
Drawn By	Date
R.L.	June 1997
Scale	
Not to Scale	
North	


DRAFT PLAN
OF
SUBDIVISION
planning initiatives ltd
QUEENSTON ROAD
CENTRAL AVENUE
ISABLE AVENUE
JEFFERSON AVENUE
WALTER AVENUE
STREET "A"
STREET "B"

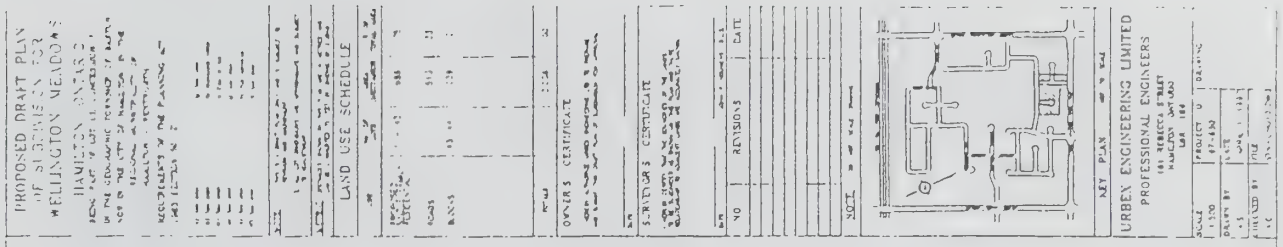


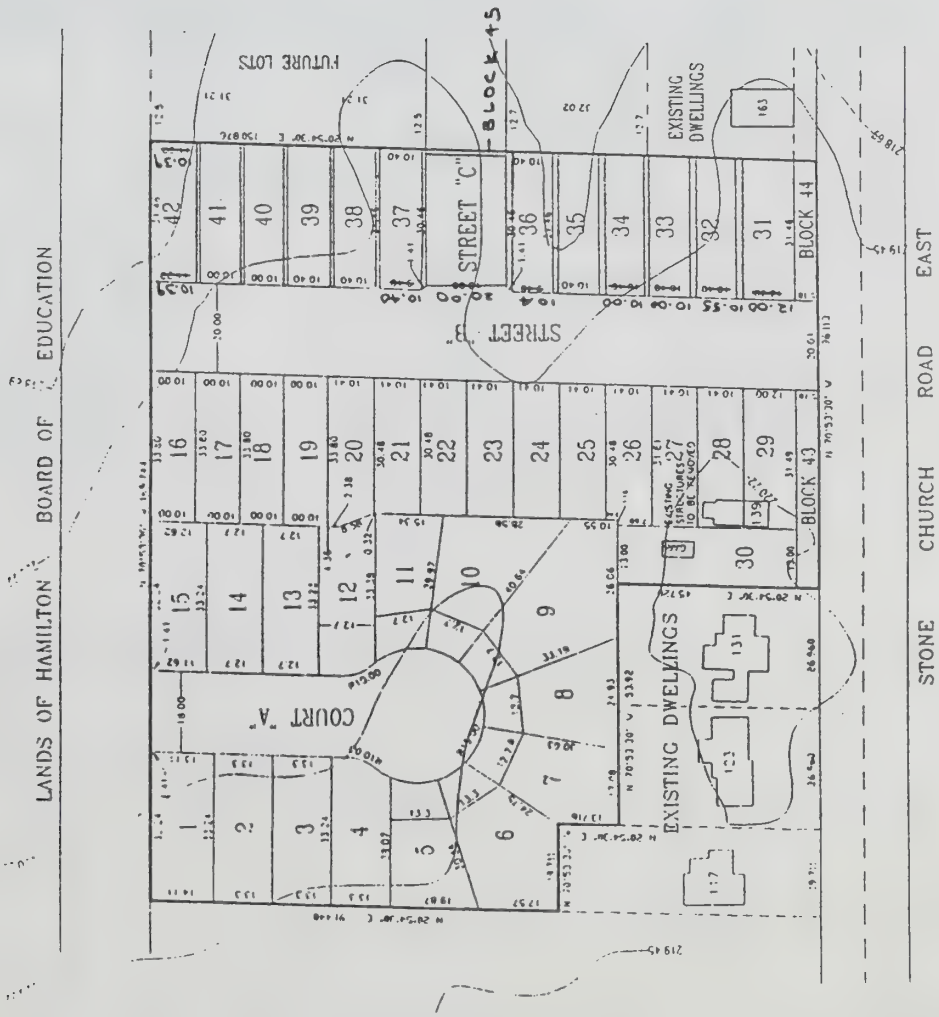
proposed plan of subdivision for single family dwellings

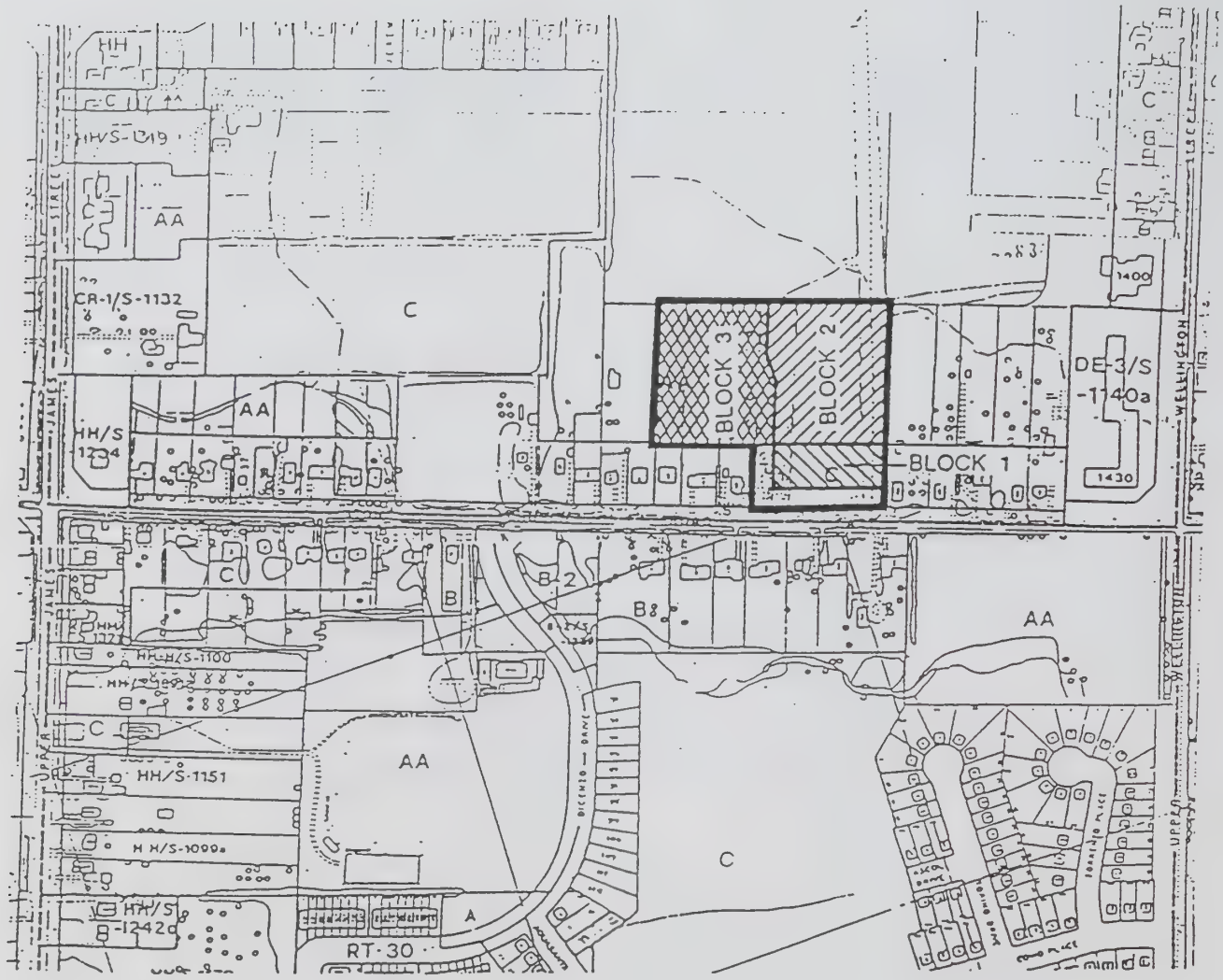
portion of Jerome neighbourhood affected by the amendment

change the designation from "Institutional and Recreational" to "Single and Double" Housing

P5-2-82


PROPOSED DRAFT PLAN
OF SUBDIVISION FOR
ELLINGTON HEIGHTS
HAMILTON, ONTARIO
LAND USE SCHEDULE
OWNER'S CERTIFICATE
SURVEYOR'S CERTIFICATE
REVISIONS
DATE
KEY PLAN
URBEX ENGINEERING LIMITED
PROFESSIONAL ENGINEERS


FUTURE LOTS
BLOCK 45
STREET "C"
EXISTING DWELLINGS
BLOCK 44
STREET "B"
BLOCK 43
COURT "A"
EXISTING DWELLINGS
LANDS OF HAMILTON BOARD OF EDUCATION
STONE CHURCH ROAD EAST



Legend

Proposed change in zoning:

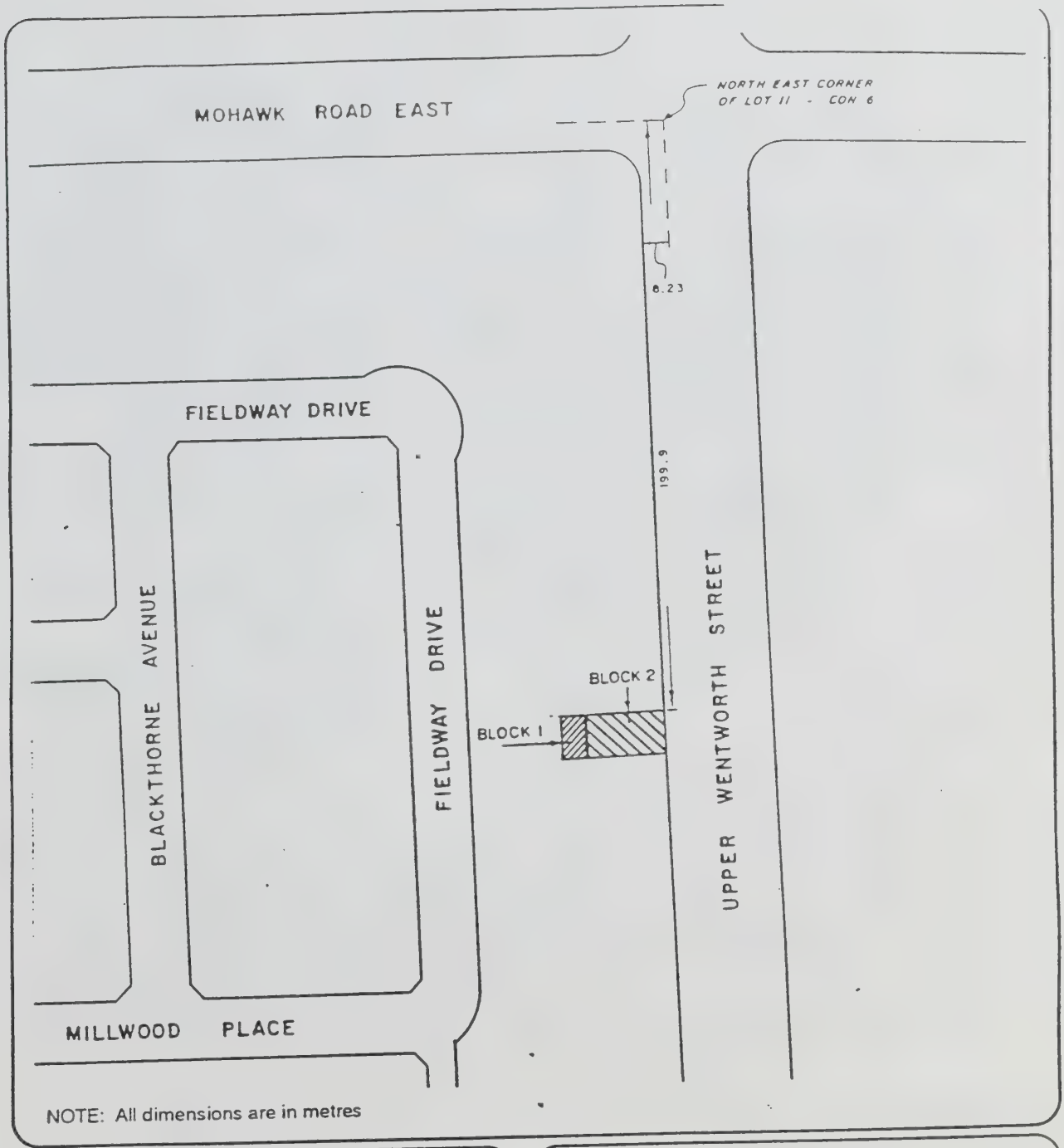
Block 1 — From "C" (Urban Protected Residential) District, to "R-4" (Small Lot Single Family Dwelling) District.

Block 2 — From "AA" (Agricultural) District, to "R-4" (Small Lot Single Family Dwelling) District

Block 3 — From "AA" (Agricultural) District, to "C" (Urban Protected Residential, etc) District

——— Subject Lands

Reference File No. ZAC-97-14 SAR-97-01	
Drawn By	Date
S.H.	May 1997
Scale	
Not to Scale	
North	



City of Hamilton

to By-Law No. 97-.....

Planning and Development Department

Legend

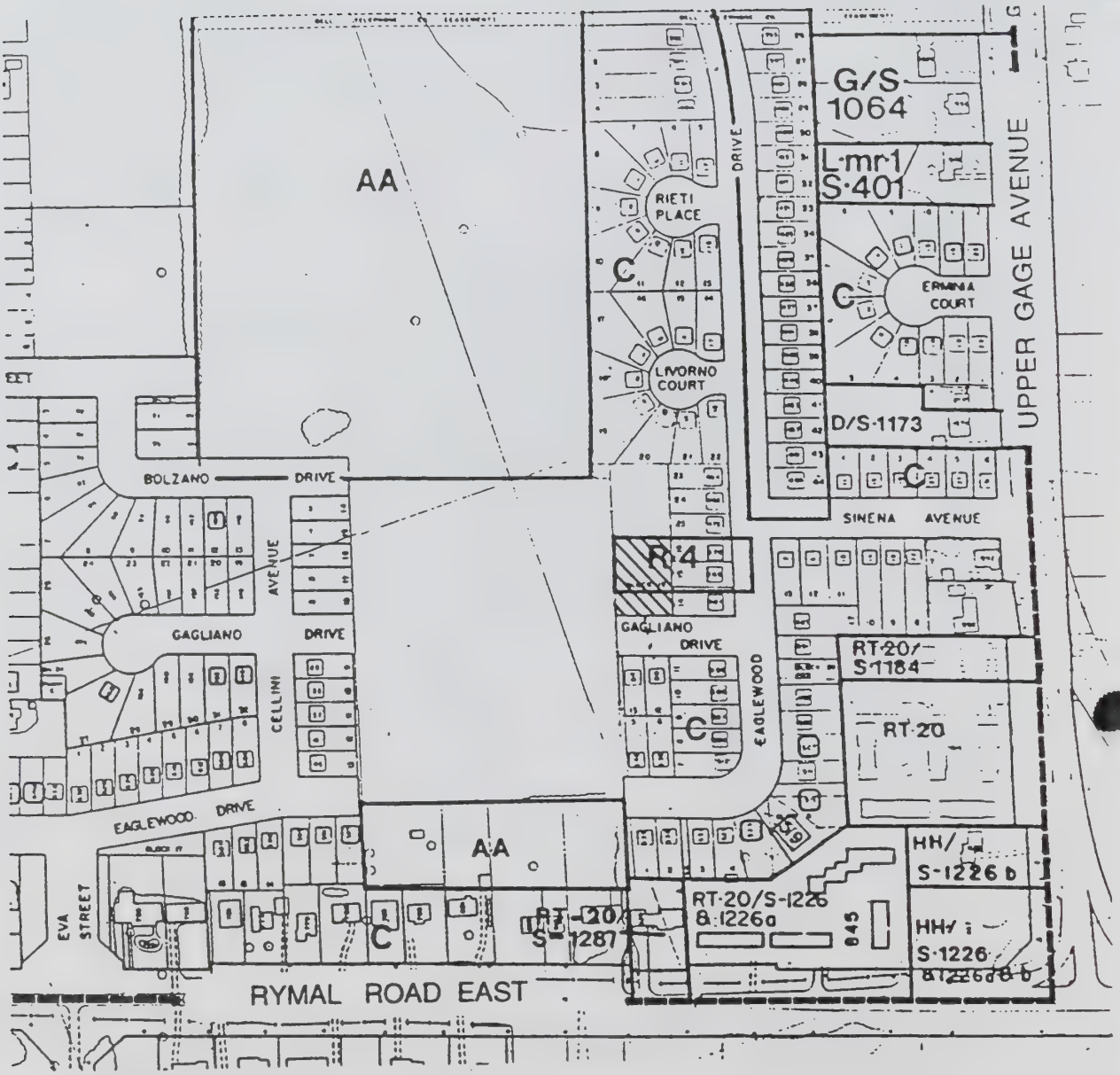
BLOCK 1

BLOCK 2

Lands to be regulated by By-law No. 97

North	Scale: NOT TO SCALE	Reference File No: ZAR-97-25
	Date: JUNE 97	Drawn By: R.L

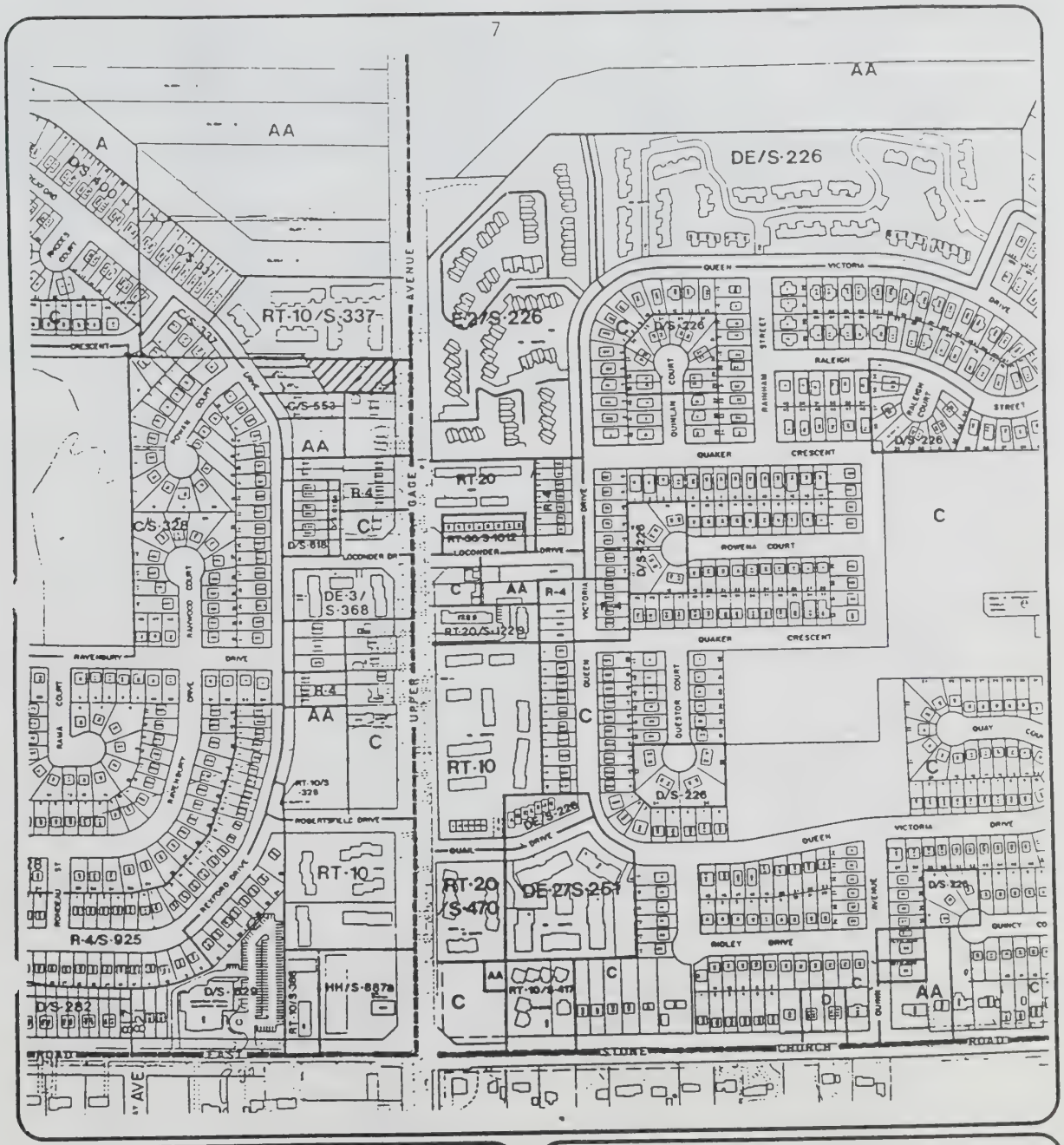
Appendix "I" referred to in Section 18(a) of the **ELEVENTH** Report of the Planning and Development Committee for 1997



Legend

Site of the Application

PLC-97-



City of Hamilton

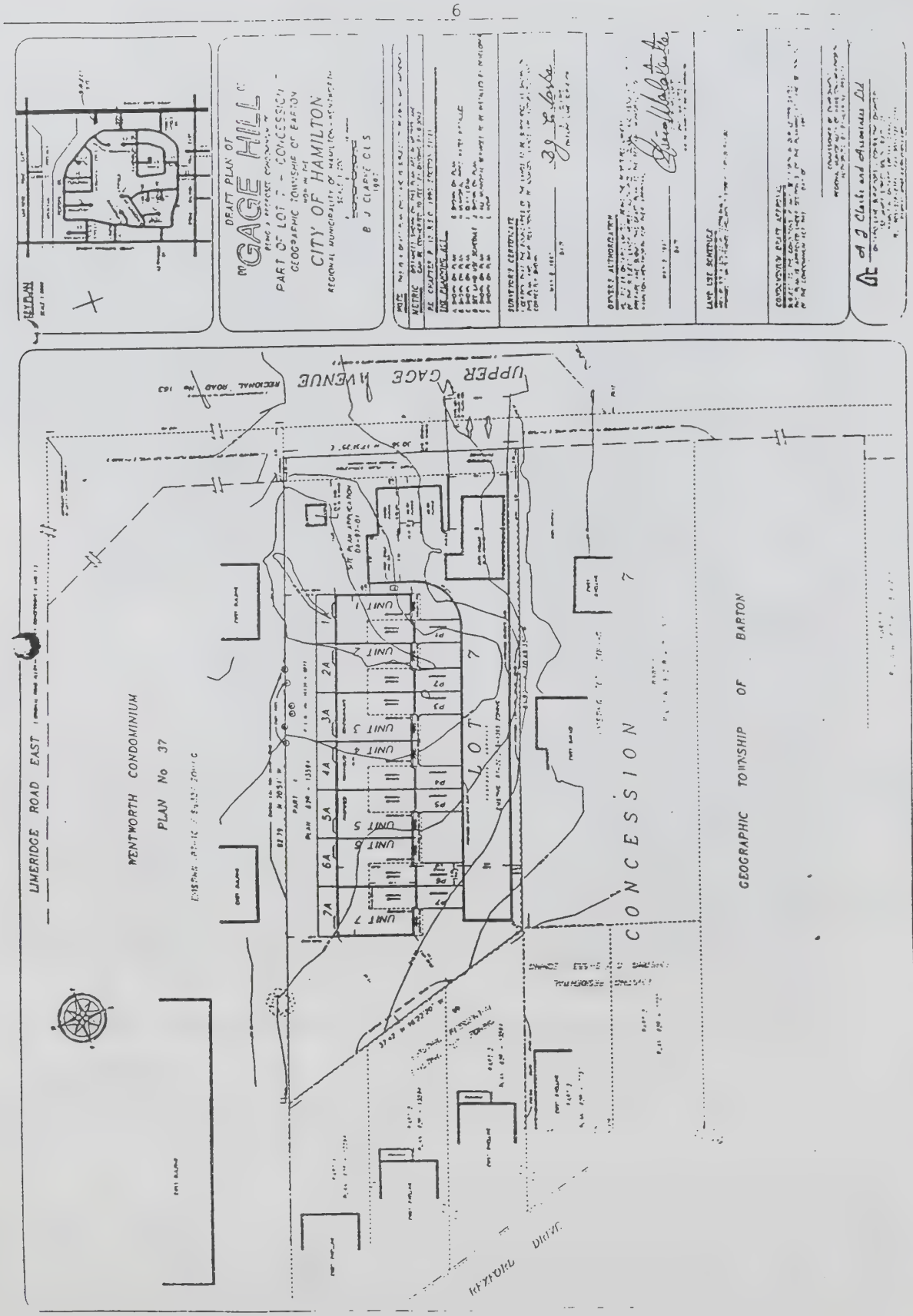
APPLICATION CDM-97-04

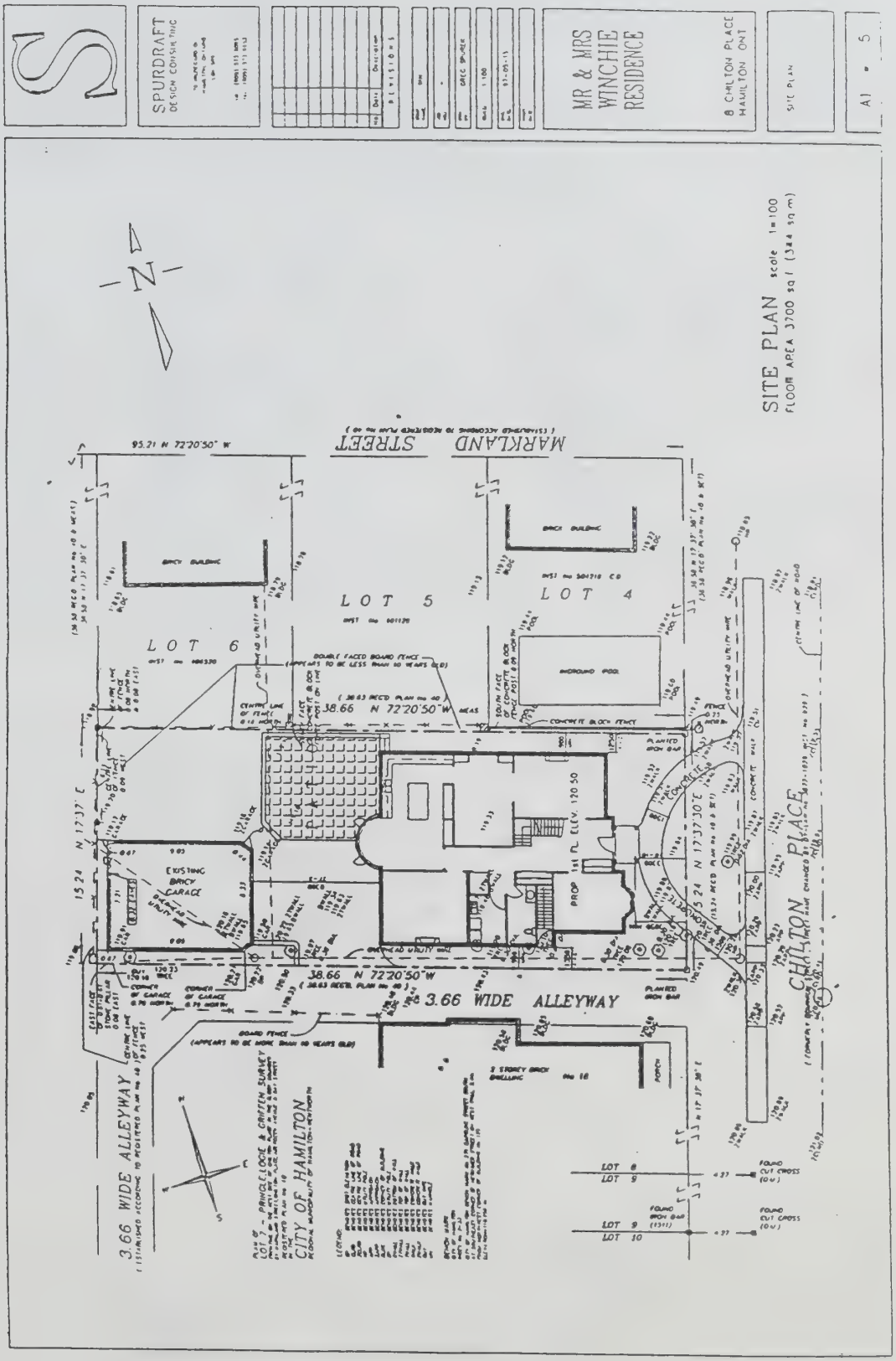
Planning and Development Department

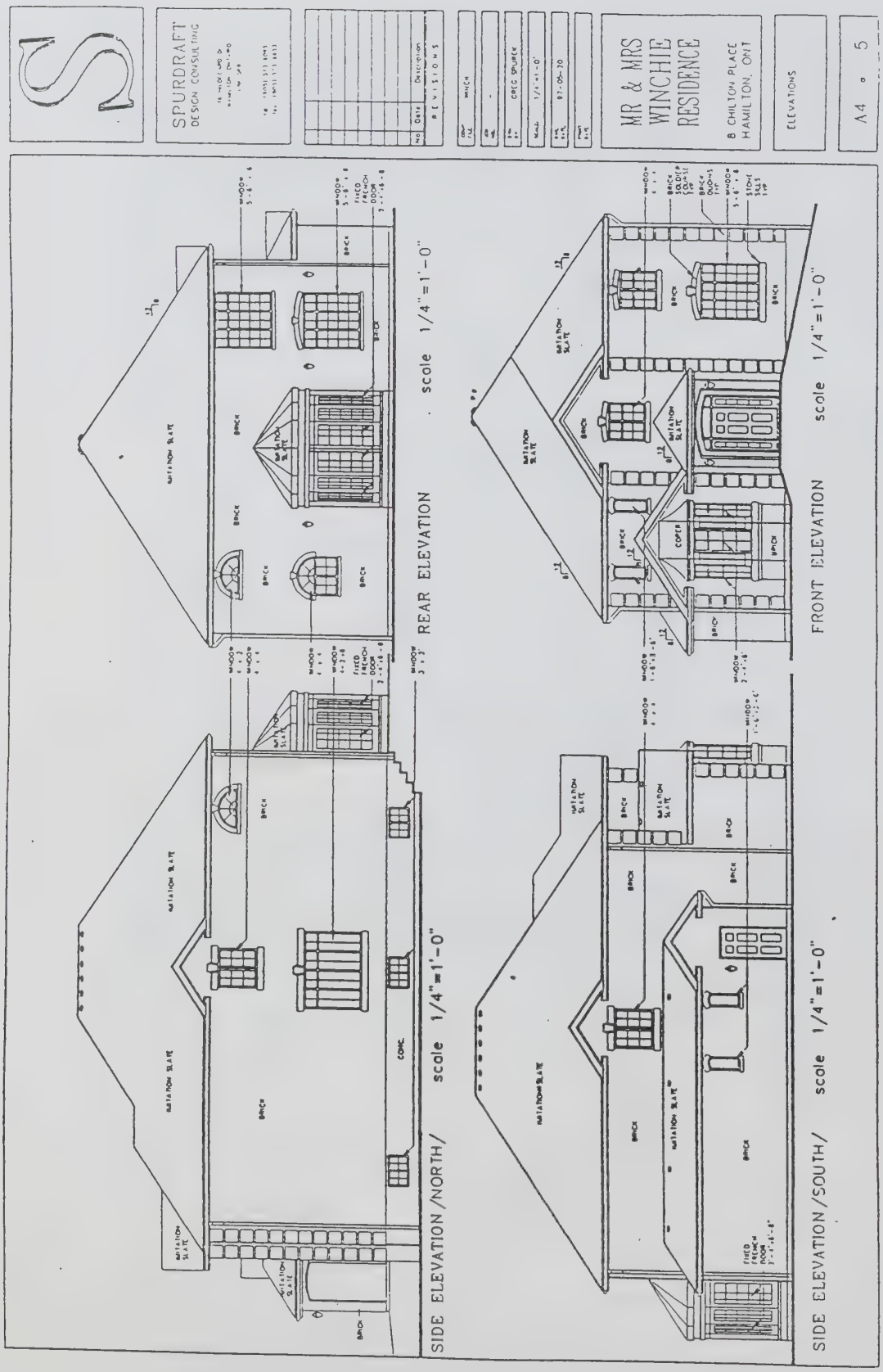
Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	CDM-97-04
	Date	Drawn By
	JANUARY 1997	F.A.


DRAFT PLAN OF
GAGE HILL
PART OF LOT 7 - CONCESSION
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
B J CLARKE O L S
1997
UPPER GAGE AVENUE
LIMERIDGE ROAD EAST
WENTWORTH CONDOMINIUM
PLAN No 37
LOT 7
CONCESSION
GEOGRAPHIC TOWNSHIP OF BARTON
UNIT 1
UNIT 2
UNIT 3
UNIT 4
UNIT 5
UNIT 6
UNIT 7
1A
2A
3A
4A
5A
6A
7A


SPURDRAFT
DESIGN CONSULTING
MR & MRS WINCHIE RESIDENCE
8 CHILTON PLACE HAMILTON ONT
SITE PLAN
A1 - 5
SITE PLAN scale 1=100
FLOOR AREA 3700 sq f (344 sq m)
MARKLAND STREET
LOT 5
LOT 4
LOT 6
EXISTING BRICK GARAGE
PROP 1st FL ELEV. 120.50
38.66 N 72°20'50" W
3.66 WIDE ALLEYWAY
CHILTON PLACE
3.66 WIDE ALLEYWAY
CITY OF HAMILTON
LOT 8
LOT 9
LOT 10


SPURDRAFT
DESIGN CONSULTING
MR & MRS
WINCHIE
RESIDENCE
8 CHILTON PLACE
HAMILTON, ONT
ELEVATIONS
A4 - 5
REAR ELEVATION scale 1/4"=1'-0"
SIDE ELEVATION /NORTH/ scale 1/4"=1'-0"
FRONT ELEVATION scale 1/4"=1'-0"
SIDE ELEVATION /SOUTH/ scale 1/4"=1'-0"

Appendix "N" referred to in
Section 22(a) of the ELEVENTH Report
of the Planning and Development
Committee for 1997

REASONS FOR DESIGNATION

CENTURY MANOR
(originally East House)

Hamilton Psychiatric Hospital
100 West 5th Street

Context

The large High Victorian building, located on the grounds of the Hamilton Psychiatric Hospital and now known as Century Manor, was erected in 1884 as the second building built for the Hamilton Asylum for the Insane, a rapidly expanding complex of provincially-owned buildings devoted to the care and treatment of the mentally ill.

Century Manor is the focal point of a cluster of auxiliary buildings situated on the western half of the hospital property, where the main complex of asylum buildings was located until the early 20th century. Of the 19th century buildings located on the present hospital grounds, Century Manor is by far the largest and architecturally most distinguished (vacant since 1995).

History

Officially opened in March 1876 for the treatment of individuals suffering from mental illness, the Hamilton Asylum for the Insane was the sixth "insane asylum" in Ontario, following those opened in Toronto (1841), Kingston (1850), Amherstburg (1859), Orillia (1861), and London (1870). The emergence of these institutions reflected the 19th century trend for government to provide special care facilities for the mentally ill. Typically, the Hamilton asylum was planned and developed as a largely self-sufficient community. Much of the labour for maintaining the grounds, growing and harvesting crops, and new construction was provided by the patients.

By 1878, further expansion was based on the "cottage system", whereby patients were housed in separate smaller buildings providing a more home-like atmosphere. The first so-called "cottage", East House (since renamed Century Manor), was designed to house 60 patients; the second and much larger Orchard House (built 1887, since demolished) could hold up to 300.

The function of East House evolved to meet the hospital's changing needs. Initially intended for the reception and treatment of acute cases of mental illness, the building was subsequently adapted for the care and safekeeping of "criminally insane" patients, a use which it served until 1921. From that time on, East House/ Century Manor accommodated regular patients and/or various treatment facilities,

including the Mental Health Clinic (1929-1960), a therapeutic centre for adolescents (1968-74), a Forensic Unit (1972-78), and most recently, a day program for chronic psychiatric patients (1981-95).

Architecture

Century Manor is a rare surviving example of a special-purpose building designed to house mentally ill patients, originally referred to as a "cottage". Its design was based on the Kirkbride Linear Plan, the 19th century American prototype for new purpose-built asylum facilities, which was adopted as the standard for Ontario asylums. Century Manor is the only surviving building of its kind in Hamilton and one of few still standing in the province.

Century Manor also ranks among the finest High Victorian institutional buildings remaining in Hamilton. This large, imposing brick building, with a symmetrical facade, comprises four visually distinct yet stylistically unified components: a three-storey square centre block with flanking two-storey wings and a rear kitchen wing added in 1895. The elaborate centre block features a low-pitched hip roof with a pedimented gable over the projecting frontispiece, eaves embellished with modillions and paired brackets (terminating the corner piers), and paired windows above the entrance with round or segmental arches and prominent keystones. Punctuating the long facade of each wing is an octagonal bay with single eave brackets marking the four corners; the end of each wing is terminated by a square gabled bay echoing the design of the frontispiece. The architectural detailing of the centre block and wings is very similar, with sills and string courses made of stone and contrasting yellow brick used to accentuate the segmentally-arched window lintels, corner piers and quoins (lintels now painted white). The existing raised portico, though not original, still enhances the front entrance, with its coupled wood columns rising from cut stone plinths. The once impressive doorway with ornate glazed double doors, narrow sidelights and transom light has been replaced.

Designated Features

Important to the preservation of Century Manor are the original features of all four facades, including the window openings, sills and lintels; the decorative brickwork; the stone sills and string courses; the brick chimneys; the decorative wood eave brackets and modillions; and the entrance portico. Excluded on the front facade is the existing central doorway and two fire exit doorways in the gabled bays terminating each wing.

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **FIFTEENTH** Report for 1997 and respectfully recommends:

1. (a) That the City of Hamilton enter into a Lease Agreement with Lafarge Canada Inc., respecting the use of the City owned building at 87-89 King Street East for use as a Site Office; and,

   (b) That the Lease Agreement contain the following terms and conditions:

(i)	Term:	Commencing 1997 June 16 and terminating 1997 August 15;
(ii)	Area:	2,400 square feet;
(iii)	Rental Rate:	$400 per month ($2 per square foot) plus any applicable taxes, and proceeds be credited to Account No. CH 44104 31106 (Rental Civic Property - Civic Properties Rented);
(iv)	Termination:	That either party may terminate the Lease Agreement by giving thirty (30) days written notice;

   (c) That in the event the downtown improvement construction contract extends past the 1997 August 15 completion date, this Lease Agreement be extended on a month to month basis; and,

   (d) That the Mayor and City Clerk be authorized and directed to execute the Lease Agreement in a form satisfactory to the City Solicitor.

2. (a) That the Manager of Real Estate Division, City Clerk's Office be authorized to negotiate the purchase of the property at 555 Kenilworth Avenue North based on compassionate grounds, condition of the building and location, and on the understanding that the owner wishes to relocate; and,

(b) That the City Treasurer be authorized to open a new Capital Project Account in relation to the acquisition and demolition of 555 Kenilworth Avenue North at an estimated cost not to exceed $77,000 and that this project be financed from the Reserve for Alpha Enclaves, Account Centre No. CH 00116.

3. (a) That the City be authorized to make a full and final offer to settle, for acceptance on or before 1997 July 29, of a business loss claim arising out of the York Street Road Widening for 337 York Street with Ada Maude Jean Salvage in the amount of $160,673.87 including business loss, moving costs, relocation costs, professional fees, and all other interests; and,

(b) That the final compensation be charged to the Account Centre, Account Number 00102; and,

(c) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.

4. (a) That the City resolve Ontario Court (General Division) Action No. 13835/96 by the payment to the Plaintiff, Halifax Insurance Company, of the sum of $7,500 inclusive of all claims for damages, interest and costs; and,

(b) That the Plaintiffs be required to execute a full and final release in a form satisfactory to the City Solicitor; and,

(c) That Ontario Court (General Division) Action No. 13835/95 be dismissed without costs.

5. That the Mayor, Chairman of the Finance and Administration Committee and five Aldermen be authorized to attend the 1997 Annual Conference of the Association of Municipalities of Ontario being held 1997 August 24 to 27 in Toronto.

6. That a purchase order be issued to Alternate Solutions, Hamilton, in the amount of $108,050 plus all applicable taxes, for the replacement of the computerized fuel control system, being the lowest tender received in accordance with specifications issued by Purchasing and Vendor's tender and be financed through the 1997 Capital Account CF 649751022.

7. That staff be authorized to enter into discussions with Eaton's and/or Yale Properties with respect to provision of pedestrian access from the Hamilton Farmers' Market/Lloyd D. Jackson Square to the Eaton's store.

8. (a) That approval be given to issue a purchase order to CSDC Systems, Mississauga, Ontario in the amount of $75,000 for the supply and installation of an Integrated Management and Tracking System, for the Licence Division, City Clerk's Department, notwithstanding the City's Purchasing Policy; and,

(b) That the Mayor and the City Clerk be authorized and directed to execute an agreement in a form satisfactory to the City Solicitor.

9. That the City Treasurer present the City's Financial Shared Services Proposal to the Region of Hamilton-Wentworth.

10. (a) That, in accordance with the policy approved by City Council on 1996 October 29, for properties vested with the City on tax sale, the tax arrears applicable to the following properties be written off as uncollectible:

(i)	625 Greenhill Avenue	$ 656,891.22
(ii)	477 King Street East	215,286.84
(iii)	30 Linden Street	58,287.97
(iv)	000 Broughton Avenue (Vacant Land)	35,961.96
(v)	000 Broughton Avenue (Vacant Land)	8,455.63

(b) That the City's share of the uncollectible taxes and any other additional costs be charged to the Reserve for Property Purchases, Account CH 00102; and,

(c) That the Region and the Board of Education's share of the uncollectible taxes be charged back to the Tax Write Off Account CH 24106 to recover the deficiency amount previously credited to these Bodies.

11. That as approved and requested by the Committee of the Whole at its meeting held 1997 June 11th, the funding for the cost to re-instate two supervised crossing locations during summer months estimated at $5,210 be financed as an approved overdraft within the Public Works and Traffic Department, Traffic Division Centre No. CH 75041.

12. That as referred to in Section 8 of the Sixth Report for 1997 of the Parks and Recreation Committee, and approved by City Council at its meeting held 1997 June 24th the following financing for the implementation of the Hamilton Beach Neighbourhood Plan be considered in the 1998 Capital Budget process:

(a) That the gross cost of land acquisition for the implementation of the Hamilton Beach Neighbourhood Plan in the amount of $1,944,000 be considered as a part of the 1998 Capital Budget process and that the City's net cost in the amount of $1,069,000 (gross cost of $1,944,000 less $875,000 recoverable from the Hamilton Region Conservation Authority) be financed from the Reserve for Property Purchases, Account Centre No. CH00102; and,

(b) That the City Treasurer be authorized to reimburse the above Reserve from the proceeds of the sale of properties in relation to the Hamilton Beach Neighbourhood Plan.

13. (a) That the Police Chief for the Region of Hamilton-Wentworth be directed to enforce Section 175 of the Criminal Code of Canada as well as other sections of the Code respecting loitering in the Hamilton Downtown core; and,

(b) That, if required, a meeting with the members of the Finance and Administration Committee and the Police Services Board be convened to discuss this matter.

14. That H.E.C.F.I. access capital funds available within its Reserve fund for Capital Projects, Account Number CH 00206, to finance the cost for replacement of the Arena Dasherboard System at Copps Coliseum at a cost not to exceed $150,000.

15. (a) That the City of Hamilton provide up to $20,000 for the celebration of Country Music Week '97 being held in Hamilton; and,

(b) That this expenditure be funded with an approved overdraft of Account No. CH 55314 84010 - Special Civic Receptions and Delegation Hostings.

16. That the Liquor Licence Board of Ontario be advised that the City of Hamilton is aware of the application made by the Sheraton Hamilton Hotel for a Temporary Extension of Liquor Licence for Saturday, 1997 July 12th to host a reception on the rooftop of Lloyd D. Jackson Square during the Canadian Society of Association Executives Annual Convention and have no objection to the issuance of this Licence.

17. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

(a) D-44 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

Susan K. Reeder
Secretary
1997 July 3

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **FOURTH** Report for 1997 and respectfully recommends:

1. That _____ be appointed as the City's appointee to the Hamilton Harbour Commissioners for a three year term from 1997 September 1 to 2000 September 1.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE

J.J. Schatz, Secretary
1997 July 8

NOTICES OF MOTION

FROM PREVIOUS MEETING

NOTICE OF MOTION

June 24, 1997 - postponed

Alderman D. Ross gave notice that he would move at the next regular meeting of City Council the following:

WHEREAS the population of the Province of Quebec voted against separating from Canada, both in 1980 and in 1995; and

WHEREAS the current government of Quebec has repeatedly reiterated its desire to hold yet another referendum on Quebec separation; and

WHEREAS there are many loyal Canadians in Quebec who, via resolutions of their local city councils, have declared that it is their wish to remain part of Canada, irrespective of any future referendum result; and

WHEREAS those city councils have requested the support of Canadians outside Quebec in their effort to remain Canadian.

Be it resolved ***THAT*** the City of Hamilton supports the initiative of those municipalities in Quebec who have declared their intention to remain part of Canada irrespective of any future province wide vote for separation.

THAT the City of Hamilton demands that the government of Canada and the government of Québec clearly and unequivocally state that they support the right of federalist municipalities and regions within Quebec to remain part of Canada, today and in the future, in accordance with the legal, moral, political, constitutional, and territorial obligations of our nation.

THAT copies of this resolution be forwarded to the Prime Minister of Canada, the members of Parliament from Ontario and Québec, the members of the Provincial legislature, the Premier of Ontario, the union of Ontario municipalities, all Ontario municipalities, the Federation of Montreal Urban Community, and all municipalities on the Island of Montreal and all Provincial Municipal Associations.

URBAN/MUNICIPAL
CA 4 ONHBL A05
A31
1997

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

TUESDAY, 1997 JULY 8
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL

BILLS

Bill No. A-49

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10** of said By-law is hereby amended by adding thereto the following items, namely:-

"Chesley	Northbound and Southbound	Chester
Embassy	Eastbound	Locheed
Kingsberry	Northbound	Carson
Carson	Eastbound and Westbound	Kingsberry
Palace	Northbound	Carson
Paris	Westbound	Carson
Central	Eastbound and Westbound	Tragina
Acadia	Northbound and Southbound	Elite
Rushdale	Eastbound and Westbound	Rupert
Amherst	Southbound	Butler."

2. That **Schedule 15 (Designated Traffic Lanes)** of said By-law be amended by adding thereto the following item, namely:-

"Limeridge	Upper Sherman and 164 feet westerly	South Curb	Anytime	Easterly to Southerly."

3. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this day of 1997.

CITY CLERK MAYOR

Bill No. A-5(

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 24 (Parking Meter Locations)** of said By-law is hereby amended by adding to **Section 2(a)** thereof the following item, namely:-

"London West Main to 75 feet south."

and by deleting from **Section 3(a)** thereof the following item, namely:-

"London West Main to 75 feet south."

2. That **Schedule 26 (No Parking Areas)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Balmoral	West	commencing 245 feet south of Barton and extending 140 feet southerly therefrom	Anytime
Sirente	West	commencing 65 feet south of the south curb line of Sirente and extending 34 feet southerly therefrom	Anytime
Butler	North and East	commencing 117 feet east of the east curb line of Butler and extending to 55 feet north of the north curb line of Butler	Anytime."

3. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"John	East	commencing 25 feet north of Strachan and extending 33 feet northerly therefrom	Anytime

Catharine	East	commencing 166 feet north of Macauley and extending 27 feet northerly therefrom	Anytime
Clinton	South	commencing 27 feet east of Sherman and extending 20 feet easterly therefrom	Anytime."

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this day of 1997.

CITY CLERK MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

As Amended by Zoning By-laws No. 92-197 and 93-117

Respecting:

LAND LOCATED AT MUNICIPAL NO. 195 FERGUSON AVENUE NORTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "E" (Multiple Dwellings, Lodges, Clubs, etc.) District provisions, as contained in Section 11 of Zoning By-law No. 6593, as amended by By-laws No. 92-197 and 93-117, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) notwithstanding Section 11(1) of Zoning By-law No. 6593, the following use shall be permitted on the first and second floor of the existing building located at No. 195 Ferguson Avenue North:

(i) a drop-in centre;

(b) for the purposes of the By-law a **Drop-in Centre** shall mean any building or portion thereof used for the purposes of providing counselling, professional and personal care services, guidance, religious services, recreational activities, cafeteria, temporary refuge and other similar community based activities, by a person or persons on a temporary basis and is operated by a non-profit organization but is not considered as a residential care facility, short term care facility, hostel or community centre;

(c) notwithstanding Section 18A of Zoning By-law No. 6593, the drop-in centre shall not be subject to the parking and loading requirements.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in

accordance with the "E" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1279b.

4. Sheet No. E-3 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1279b.

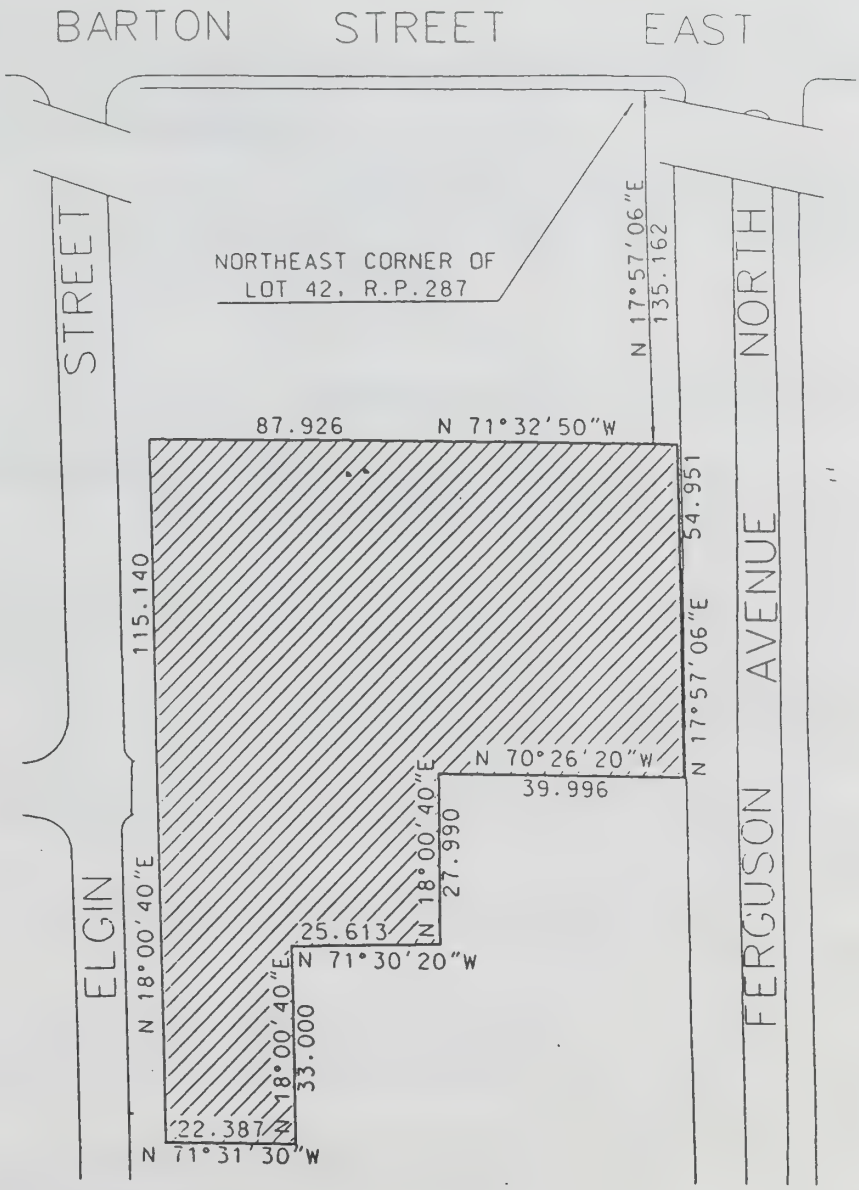
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 10 R.P.D.C. 6, June 24
Wesley Urban Ministries, Owner
ZAC-97-09

prepared June 24/97



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Further Modification to the "E" (multiple Dwellings, Lodges, Clubs, etc.) District.

North	Scale	Reference File No.
	Not to Scale	ZAC-97-09
	Date	Drawn By
	June 1997	S.H.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED WEST OF UPPER KENILWORTH AVENUE AND NORTH OF LIMERIDGE ROAD EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-59A of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "DE-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District, the land comprised in Block "1";

(b) by changing from "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District, the land comprised in Block "2";

(c) by changing from "E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street - Townhouse) District, the land comprised in Block "3";

(d) by changing from "E-2" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family Dwelling) District, the land comprised in Block "4";

(e) by changing from "E-2" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family Dwelling) District, the land comprised in Block "5";

the extent and boundaries of each of which Blocks 1, 2, 3, 4 and 5 are shown on a plan hereto annexed as Schedule "A".

2. The "RT-30" (Street - Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3", are amended to the extent only of the special requirement that;

(a) in addition to the requirements of Section 10F.(4)(a) of Zoning By-law No. 6593, a minimum front yard having a depth of not less than 7.0 m shall be provided and maintained for a two storey Street Townhouse Dwelling.

3. The "RT-30" (Street - Townhouse) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to Block "3", are amended to the extent only of the special requirement that;

(a) notwithstanding the requirements of Section 10F.(4)(c)(ii) of Zoning By-law No. 6593, a minimum westerly side yard having a width of not less than 1.2 m shall be provided and maintained.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-30" District provisions, subject to the special requirements referred to in sections 2 and 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1378.

6. Sheet No. E-59A of the District Maps is amended by marking the lands referred to in section 1.(a)(b) and (c) of this by-law, S-1378.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

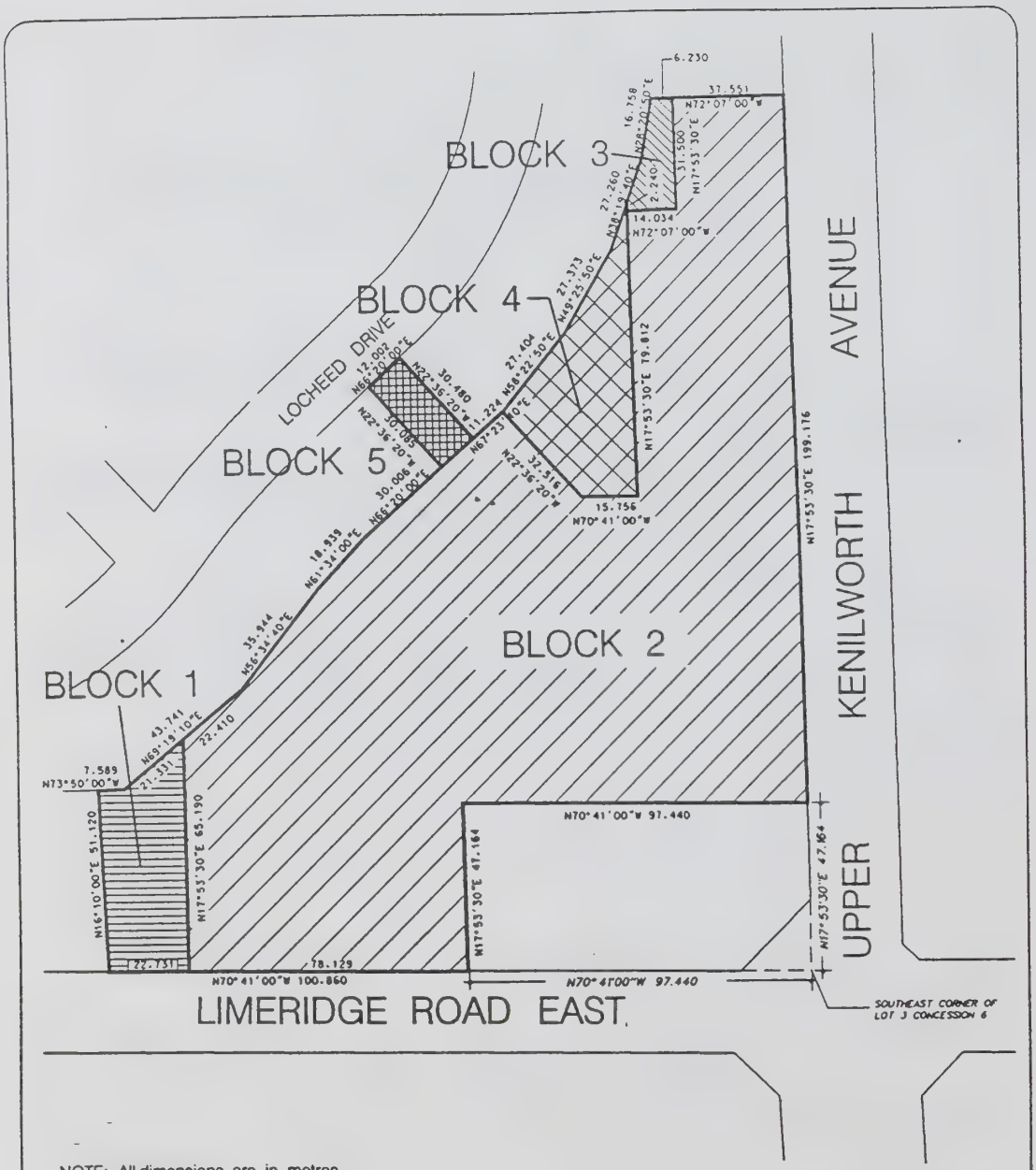
PASSED this day of A.D. 1997

MAYOR

CITY CLERK

(1997) 10 R.P.D.C. 4.(f), June 24
822827 Ontario Inc., Owner
Amended ZAC-97-07

prepared June 24/97



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ....., 1997.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By-Law No. 97-____

to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning from:

Block	
1	"DE-2" (Multiple Dwellings) District, modified, to "RT-30" (Street-Townhouse) District, modified
2	"E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street-Townhouse) District, modified
3	"E-2" (Multiple Dwellings) District, modified, to "RT-30" (Street-Townhouse) District, modified
4	"E-2" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family) District, modified
5	"E-2" (Multiple Dwellings) District, modified, to "R-4" (Small Lot Single Family) District

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-07
	Date	Drawn By
	June 1997	W. B.

Bill No. C-46

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED AT MUNICIPAL NO. 661 UPPER WELLINGTON STREET

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

   (a) notwithstanding subsections 9(1) and (4) of Zoning By-law No. 6593, one semi-detached two family dwelling with a minimum lot width of 17 m and minimum lot area of 534 m^2 shall be permitted; and,

   (b) where a dwelling is constructed with an attached garage, then the finished level of the garage floor shall be a minimum of 0.3 metres above grade.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1383.

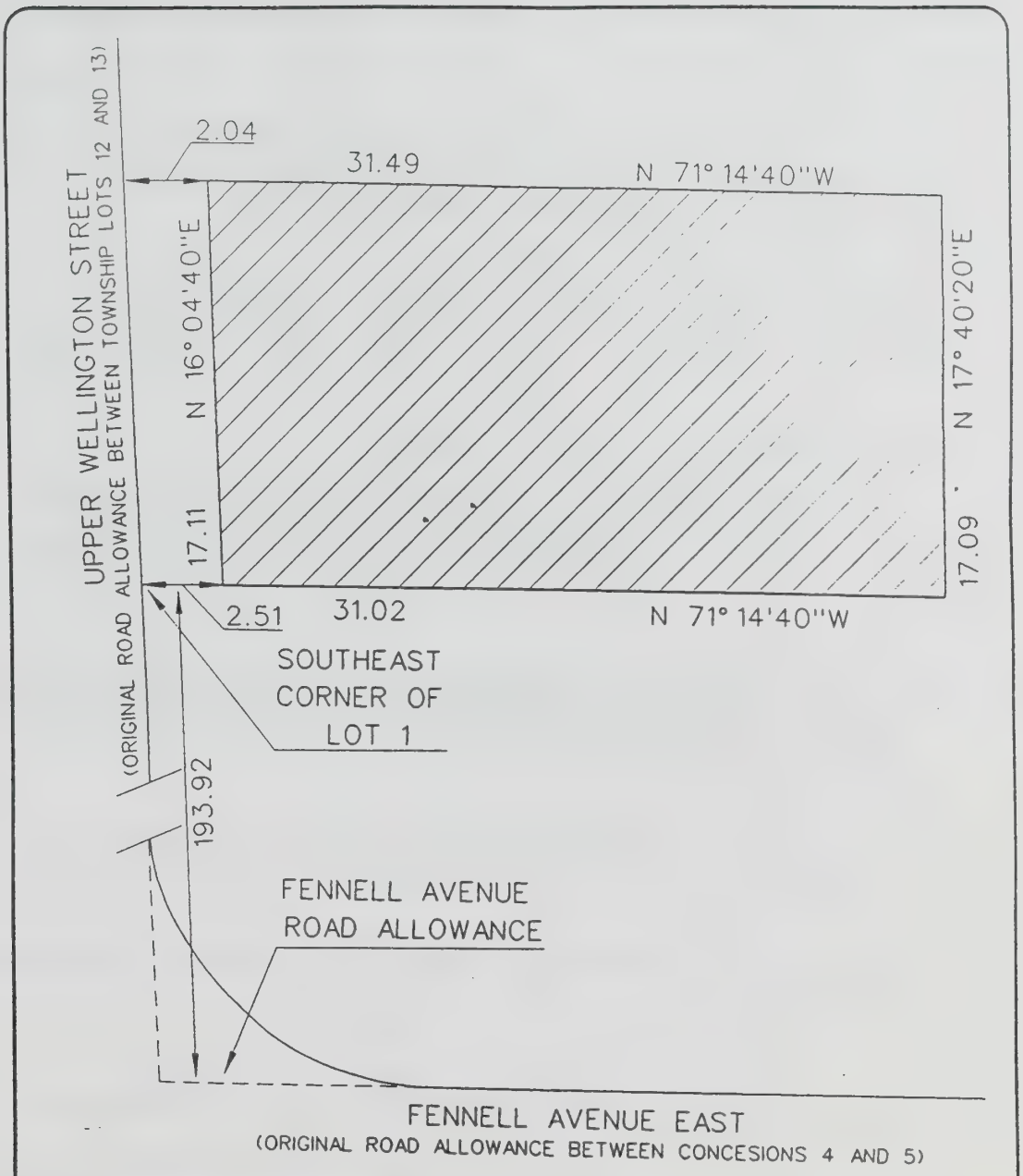
4. Sheet No. E-16 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1383.

5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 10 R.P.D.C. 1, June 24
1104020 Ontario Inc. (D. and G. Ciarmella), Owner
ZAC-97-16



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Modification to the "C" (Urban Protected Residential, etc.) District Regulations.

North	Scale	Reference File No.
	Not to Scale	ZAC-97-16
	Date	Drawn By
	June 1997	S.H.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT THE SOUTH-WEST CORNER OF KING WILLIAM STREET AND WENTWORTH STREET NORTH KNOWN MUNICIPALLLY AS 488 KING WILLIAM STREET AND 15 WENTWORTH STREET NORTH

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-13 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, the land comprised in Block 1,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown as Blocks "1" and "2" on Schedule "A", annexed hereto and forming part of this by-law, are amended to the extent only of the special requirements that,

(a) notwithstanding Section 2.(2)(J.)(xiii) of Zoning By-law No. 6593, for the purposes of this by-law the "Front Lot Line" shall be Wentworth Street North;

(b) notwithstanding Section 14.(3)(ii)(a) of Zoning By-law No. 6593, a minimum side yard of 3.0 m shall be provided and maintained along the northerly lot line;

(c) notwithstanding Section 14.(3)(iii)(c) of Zoning By-law No. 6593, a rear yard of a depth of at least 1.5 m shall be provided and maintained;

(d) notwithstanding Section 18.(3)(vi)(b)(ii) of Zoning By-law No. 6593, a canopy shall not project into the required rear yard;

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1374.

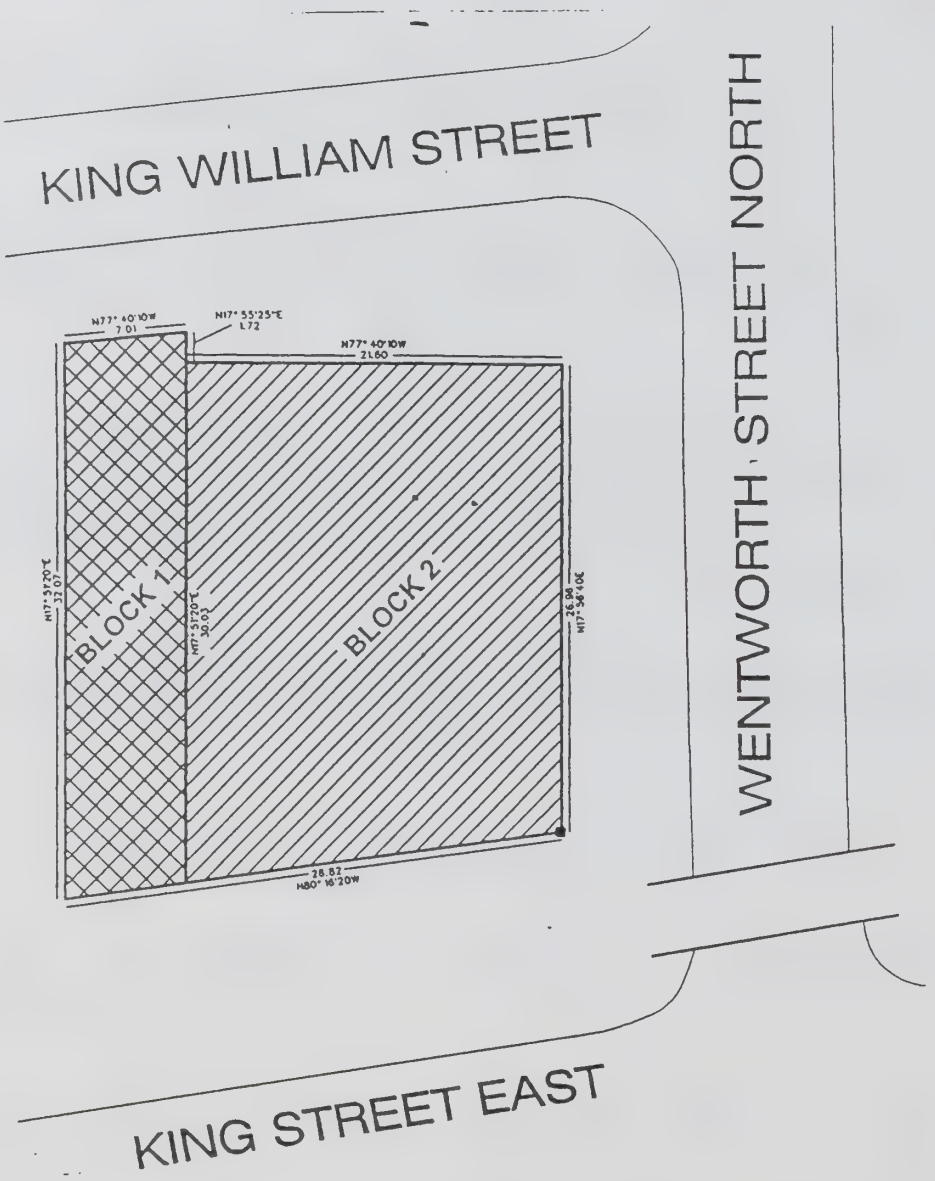
5. Sheet No. E-13 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1374.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 3 R.P.D.C. 1, February 25
744457 Ontario Limited (Veteran Taxi), Owners
Amended ZAC-96-15



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning from:

Block 1 — "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, Modified

Block 2 — Modification to the Established "H" (Community Shopping and Commercial etc.) District.

North	Scale	Reference File No.
	Not to Scale	ZAC-96-15
	Date	Drawn By
	June 1997	D.L.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Establish:

Site Plan Control

Respecting:

LAND LOCATED AT MUNICIPAL NO.

488 KING WILLIAM STREET AND 15 WENTWORTH STREET NORTH

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

   164. Land located at Municipal No. 488 King William Street and 15 Wentworth Street North, shown on Appendix 164 hereto annexed and forming part of this by-law.

2. Appendix 164 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 3 R.P.D.C. 1, February 25
744457 Ontario Limited (Veteran Taxi) , Owner
Amended ZAC-96-15



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Appendix 164

to By-Law No. 79-275

as Amended by By-Law No. 87-223

Planning and Development Department

Legend

Lands designated under this By-Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R.S.O., 1990.

North	Scale	Reference File No.
	Not to Scale	ZAC-96-15
	Date	Drawn By
	JUNE 1997	D.L.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593
As Amended by Zoning By-law No. 93-042

Respecting:

LANDS LOCATED EAST OF SPRINGSIDE DRIVE, SOUTH OF JACQUELINE BOULEVARD AND WEST OF THE PROPOSED EXTENSION OF UPPER WELLINGTON STREET

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 93-042 on the 23rd day of February 1993 to change the zoning and to establish a special requirement under Section 19B of Zoning By-law No. 6593, for the "B-2" District, in respect of the lands located on the south side of Rymal Road East and west of the proposed extension of Upper Wellington Street, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law came into force on the day it was passed in accordance with the Planning Act;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 5 of the 10th Report of the Planning and Development Committee at its meeting held on the 24th day of June 1997, recommended that Zoning By-law No. 6593, as amended by By-law No. 93-042 be further amended to establish special requirements under Section 19B of Zoning By-law No. 6593 in respect of the above-captioned land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this by-law;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9E of the District Maps, appended to and forming part of By-law No. 6593, is amended,

   (a) by changing from "**C**" (Urban Protected Residential, etc.) District to "**R-4**" (Small Lot Single Family Dwelling) District, the land comprised in Block 1,

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. Section 2.(a) of Zoning By-law No. 93-042 is deleted in its entirety and replaced with the following:

> "notwithstanding the provisions of Section 8B(4) of By-law No. 6593, every lot or tract of land shall have a width of at least 15.0 metres and an area of at least 480 square metres."

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "B-2" District provisions, subject to the special requirement referred to in section 2 of this by-law.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1303a.

5. Sheet No. E-9E of the District Maps is amended by marking the lands referred to in section 1.(a) of By-law No. 93-042, S-1303a.

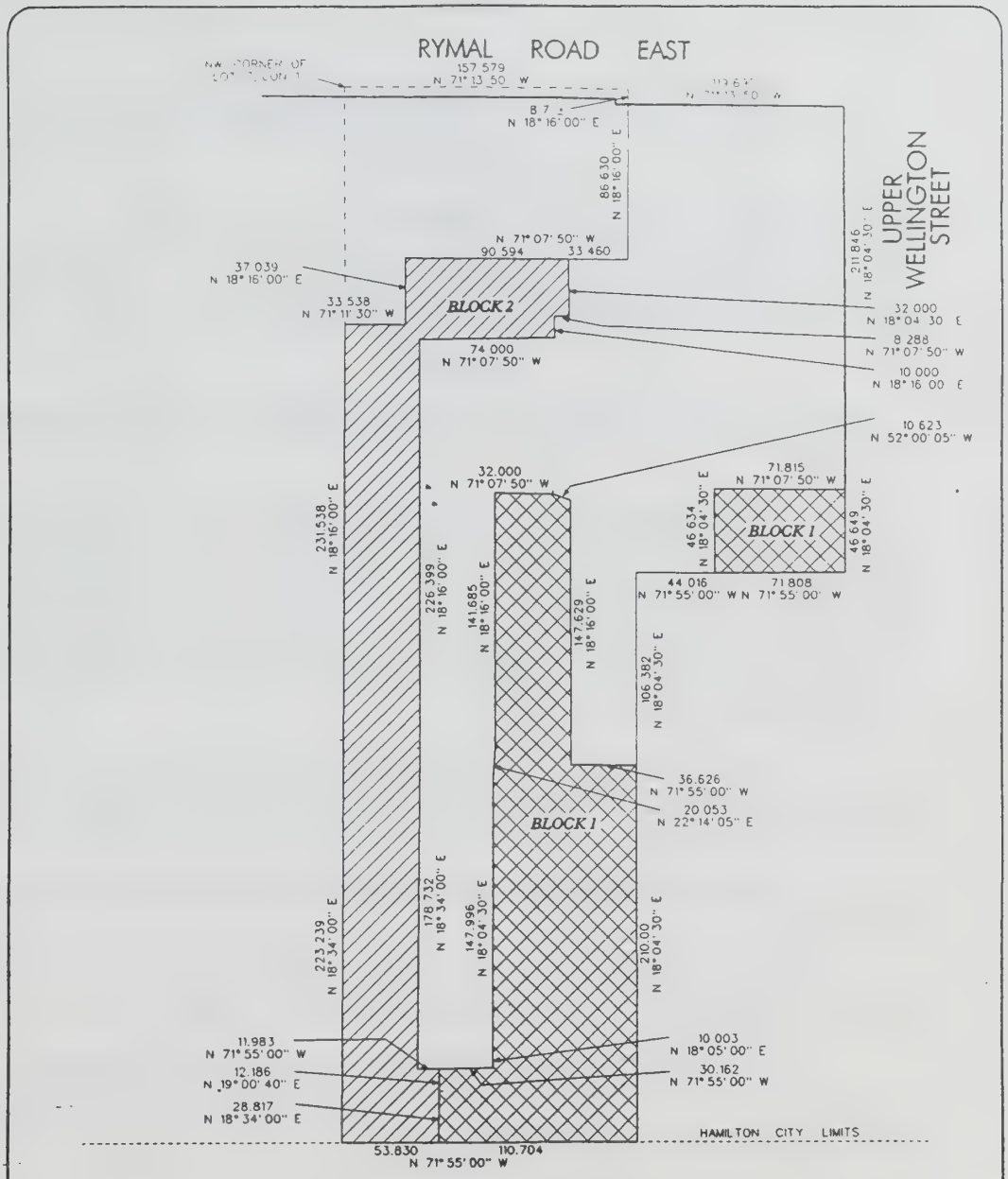
6. In all other respects, By-law No. 93-042 is hereby confirmed, unchanged.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 10 R.P.D.C. 5, June 24
200 Rymal Road Inc.
(A. DiSilvestro, President), Owner
Amended ZAC-97-05



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ....., 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No.6593

Planning and Development Department

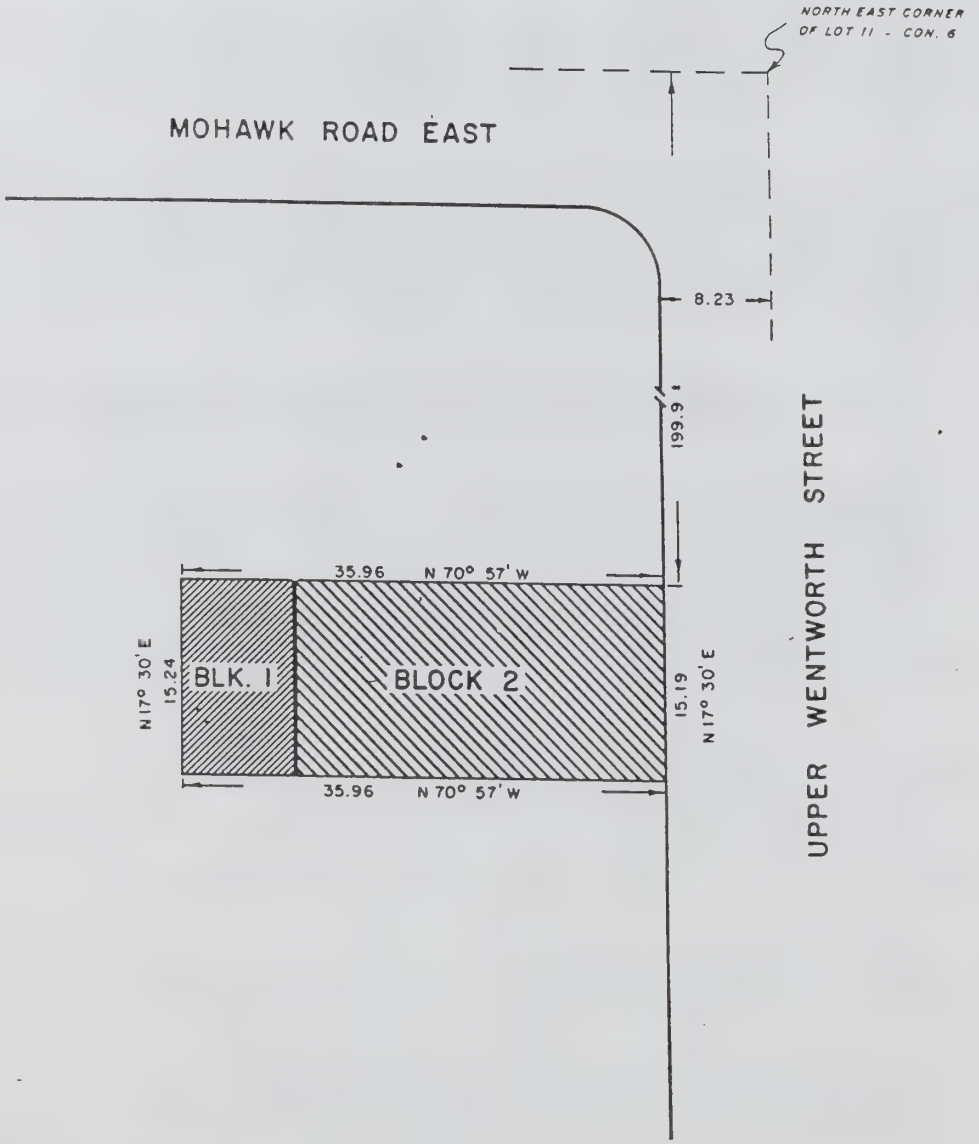
Legend

Proposed Change in Zoning from:

BLK 1 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District

BLK 2 — Further Modification to "B-2" (Suburban Residential) District.

North	Scale	Reference File No.
	Not to Scale	ZAC-97-05
	Date	Drawn By
	JUNE 1997	R.L.



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

BLOCK 1

BLOCK 2

Lands to be regulated by
By-law No. 97

North	Scale	Reference File No.
	Not to Scale	ZAR 97-25
	Date	Drawn By
	June 1997	R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED AT THE REAR OF MUNICIPAL NOS. 1170-1180 UPPER JAMES STREET

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

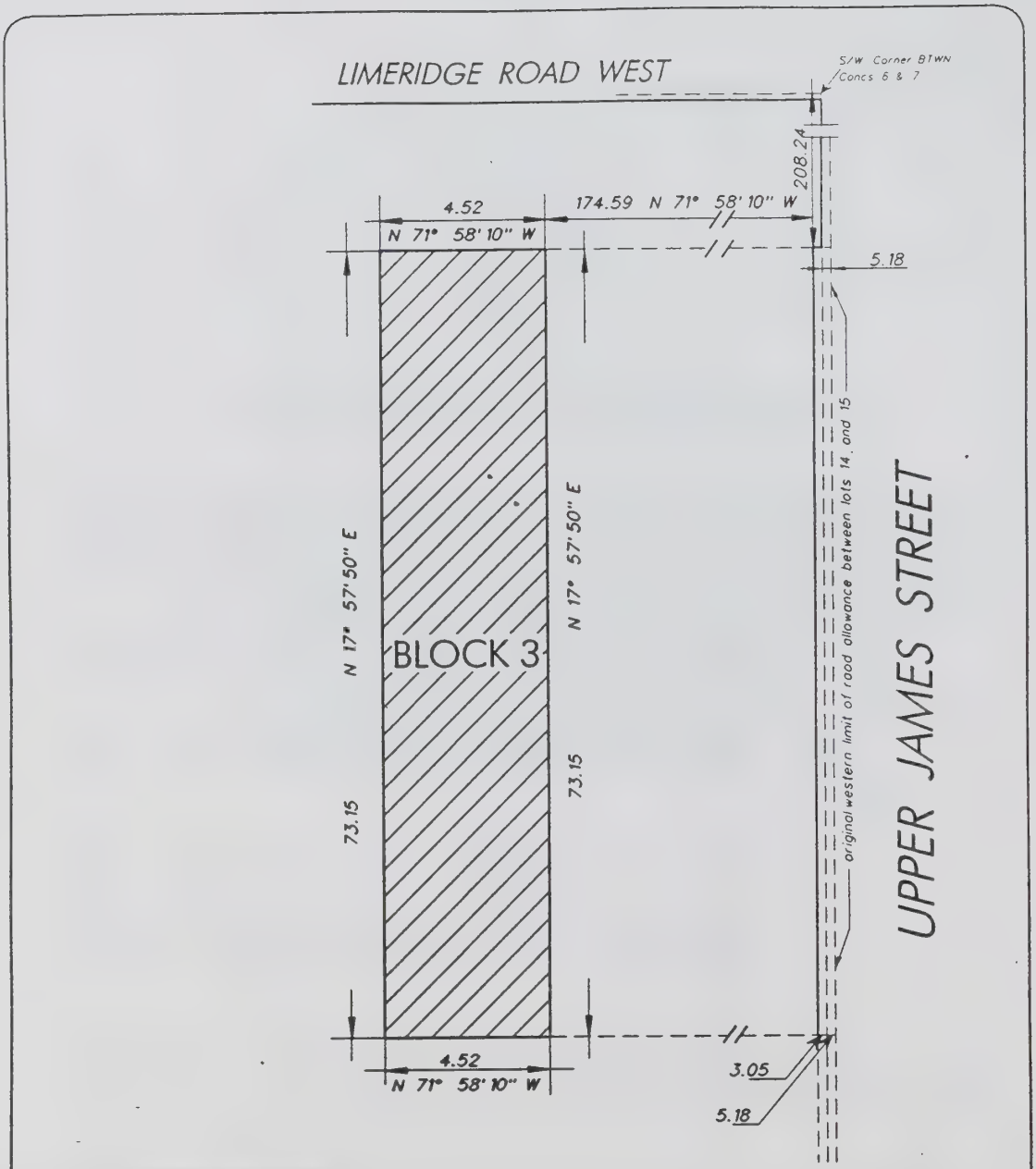
   163. Lands located at the Rear of Municipal Nos. 1170-1180 Upper James Street, shown on Appendix 163 hereto annexed and forming part of this by-law.

2. Appendix 163 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

(1996) 13 R.P.D.C. 1, August 27
Chambers Group, Owner
Amended ZAR-95-01



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ....., 1997.

Clerk

Mayor

City of Hamilton

Appendix 163

to the By-Law No. 79-275

as Amended by By-Law No. 87-223

Planning and Development Department

Legend

Lands designated under this By-Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R. S. O. 1990.

North	Scale	Reference File No.
	NOT TO SCALE	ZA-95-01
	Date	Drawn By
	MAY 1997	B. B.

The Corporation of the City of Hamilton

BY-LAW NO. 97 -

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED NORTH OF STONE CHURCH ROAD WEST AND EAST OF GARTH STREET AT THE EASTERLY LIMITS OF BRIGADOON DRIVE

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-17C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, the lands comprised in Block 1;

(b) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Block 2;

the extent and boundaries of each of which Blocks 1 and 2 are shown on a plan hereto annexed as Schedule "A".

2. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-I368.

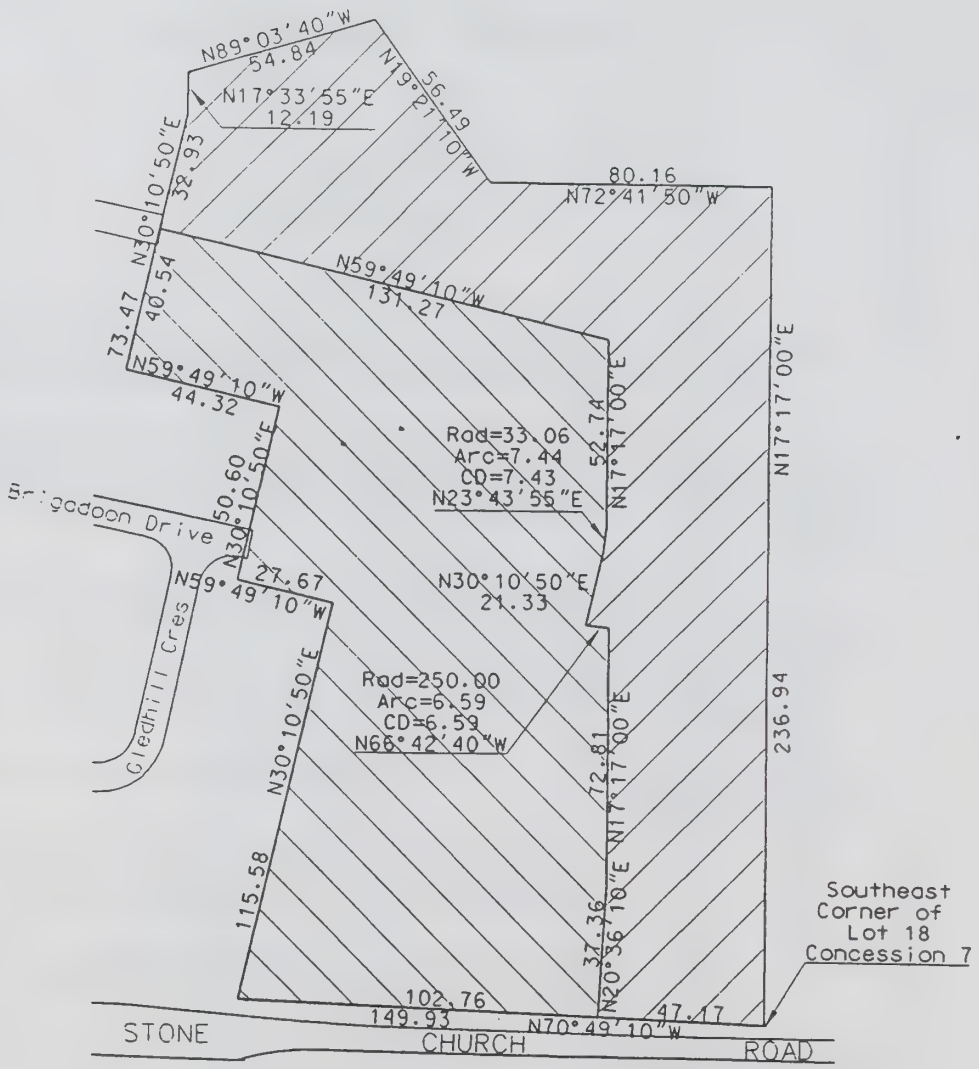
3. Sheet No. W-17C of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1368.

4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1996) 13 R.P.D.C. 4(B), August 27
Ontario Realty Corporation, Owner
ZAC-95-12



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Proposed changes in zoning:

BLOCK 1 — from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

BLOCK 2 — from "AA" (Agricultural) District to "R-4" (Small Lot Single Family), District.

North	Scale	Reference File No.
	Not to Scale	ZAR-97-15
	Date	Drawn By
	June 1997	S.H.

Bill No. C-53

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 117, 123, 131, 139 AND 151 STONE CHURCH ROAD EAST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-9C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Block "1";

(b) by changing from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District, the lands comprised in Block "2"; and

(c) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, the lands comprised in Block "3",

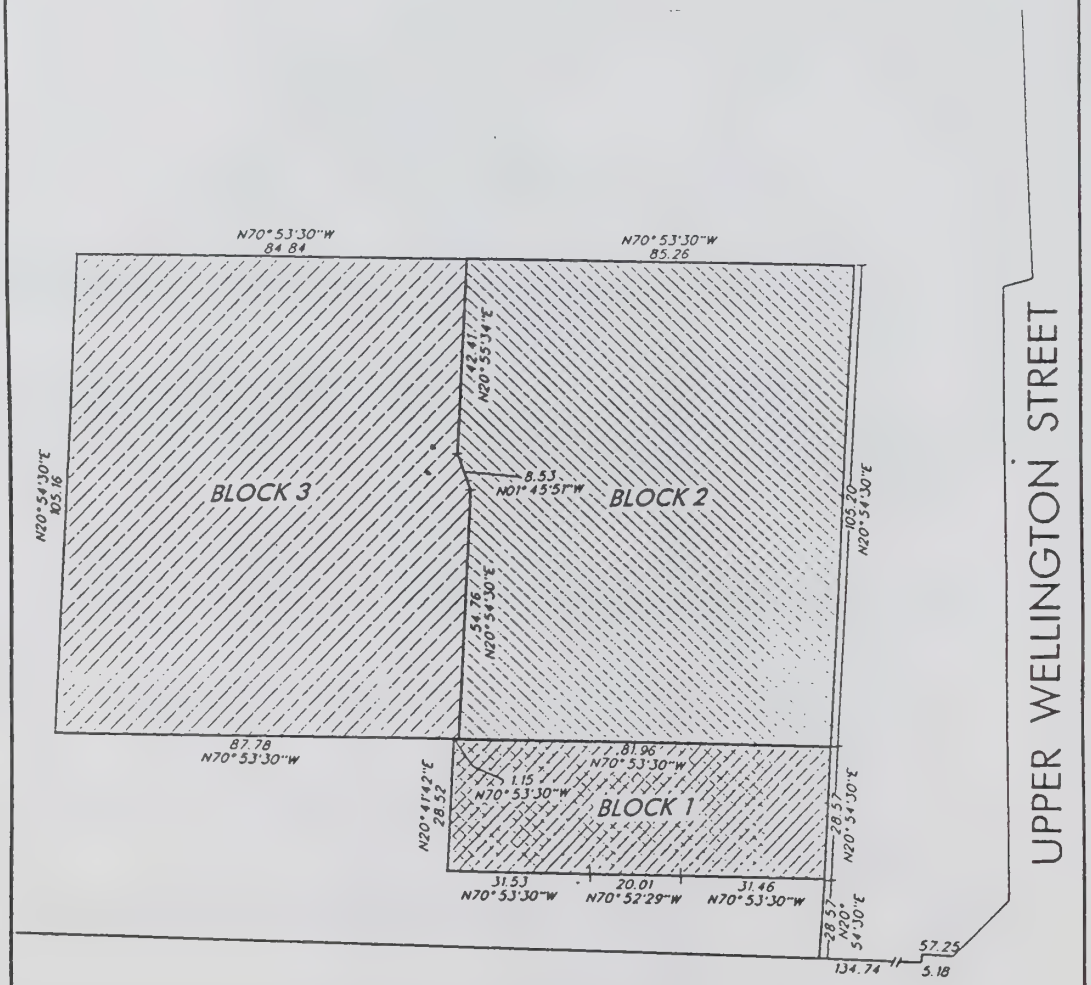
the extent and boundaries each of which Blocks 1, 2 and 3 are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

(1997) R.P.D.C. , July 8
Scarlett Homes Ltd., applicant
Amended ZAC-97-14



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in zoning:

BLOCK 1 — From "C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single Family Dwelling) District.

BLOCK 2 — From "AA" (Agricultural) District, to "R-4" (Small Lot Single Family Dwelling) District.

BLOCK 3 — From "AA" (Agricultural) District, to "C" (Urban Protected Residential, etc.) District.

North	Scale	Reference File No.
	Not to Scale	ZAR 97-14
	Date	Drawn By
	JULY 1997	D.L.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

By-laws No. 96-019, 97-54 and 97-90

Respecting:

THE BARTON VILLAGE BUSINESS IMPROVEMENT AREA

WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 96-019 on the 13th day of February 1996 to amend By-law No. 87-178 by expanding the boundaries of the Barton East #1 Business Improvement Area as described in Schedule "B" annexed to By-law No. 96-019, to include 486 Barton Street East;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 97-54 on the 8th day of April 1997 to vary the composition of the Board of Management in respect of the Barton General Business Improvement Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 97-90 on the 29th day of April 1997 to authorize the levy of a special charge in respect of the Barton Street East #1 Business Improvement Area;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 8 of the 10th Report of the Planning and Development Committee on the 24th day of June 1997, directed that the name of the Barton Street East #1 Business Improvement Area and the Barton General Business Improvement Area be changed to "The Barton Village Business Improvement Area", in accordance with the Business Improvement Area's decision to change its name as part of its marketing strategy, as hereinafter provided.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 96-019, By-law No. 97-54 and By-law No. 97-90 are hereby amended by deleting all references to The Barton Street East #1 Business Improvement Area and The Barton General Business Improvement Area and replacing them with "The Barton Village Business Improvement Area".

2. In all other respects, By-law No. 96-019, By-law No. 97-54 and By-law No. 97-90 are hereby confirmed, unchanged.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

BY-LAW NO. 97 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 8th DAY OF JULY, 1997.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 8th day of July 1997

CITY CLERK MAYOR

URBAN/MUNICIPAL
CA4 ON HBL A05
A51
1997



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

MEETING OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON

Tuesday, 1997 August 26
7:30 o'clock p.m.
Council Chambers, City Hall

URBAN MUNICIPAL

AUG 25 1997

GOVERNMENT DOCUMENTS

S. G. Hollowell
Acting City Clerk

AGENDA

1. ***National Anthem.***

2. ***Opening Prayer:*** *Rev. Father David Wilhelm*
Cathedral Christ the King

3. ***Presentation:***

Certificate of Recognition: *Mr. Sam Alfano*

4. ***Declaration of Appointed Office:***

Wesley H. Shoemaker - Fire Chief

5. ***Nominating Committee*** *- To appoint a Chairman of the Committee of the Whole for the next three months.*

6. ***Adoption of the minutes of the meetings held 1997 July 8, July 17, July 24, August 7 and August 12***

7. ***Presentation of petitions and correspondence by the Clerk.***

8. ***Reference of Correspondence/Petitions by the Mayor.***

9. ***Motion to move into Committee of the Whole on the Reports.***

10. ***Consideration of Standing Committee Reports:***

    (a) Transport and Environment Committee
    (b) Parks and Recreation Committee
    (c) Planning and Development Committee
    (d) Finance and Administration Committee
    (f) Nominating Committee - To appoint a Chairman of the Committee of the Whole for the next three months.

11. ***Motion to Adopt the Report of the Committee of the Whole.***

12. ***Notices of Motion from previous meetings - Alderman D. Ross***
    - Alderman M. Kiss

13. ***Notices of Motion for next meeting.***

14. ***Motion to appoint an Acting Mayor for the month of September, 1997***

15. ***Question Period.***

16. ***Adjournment.***

MINUTES

Minutes of Hamilton City Council
Tuesday, 1997 July 8
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Mayor Morrow called the meeting to order.

* * * * * * * * * * * *

The National Anthem was played.

* * * * * * * * * * * *

Father Mike Myroniuk, Holy Family Roman Catholic Church led Council in prayer.

ADOPTION OF MINUTES

The minutes of the meeting held 1997 June 24th were adopted as circulated.

PRESENTATIONS

Mayor R. M. Morrow presented a plaque to Margaret Koropatnicki in recognition of her being Hamilton's Municipal Senior of the Year.

* * * * * * * * * * *

Mayor R. M. Morrow presented a Civic Award to Sammy Smith, Provincial Champion, Tae Kwon Do.

* * * * * * * * * * *

Mayor R. M. Morrow presented Civic Awards to the Hamilton Transway Girls Atom Basketball Team for winning the Provincial Championship.

* * * * * * * * * *

Mayor R. M. Morrow presented Civic Awards to Hamilton participants in the 27th International Children's Games held in Sparta, Greece.

CORRESPONDENCE

1. Letter dated July, 1997 from Terry Cooke, Regional Chairman, Regional Municipality of Hamilton-Wentworth respecting an open letter to Ontario Municipal Leaders.

   Referred to the Finance and Administration Committee.

* *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be considered in Committee of the Whole with Alderman Caplan in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -17

NAYS: -0. **CARRIED.**

TRANSPORT AND ENVIRONMENT COMMITTEE - EIGHTH REPORT

Section 1 Re: Philip Environmental Inc. - Sedimentation Ponds - Parkdale Avenue North adjacent to the Hamilton Harbour

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. - 14

NAYS: Alderman Copps. -1. **CARRIED.**

* * * * * * * * * * * * * *

Rule No. 9 - Purchase Order

It was moved by Alderman Merling and seconded by Alderman Anderson that Rule No. 9 of the City's Procedural By-law 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting a purchase order being issued to LaFarge Construction of Hamilton, Ontario, for the sidewalk reconstruction, decorative lighting installation, planting bed preparation and irrigation for the redevelopment of the north side of King Street East between James Street and Mary Street. **CARRIED.**

* * * * * * * * * * *

Section 25 Re: Purchase Order - LaFarge Construction

It was moved by Alderman Merling and seconded by Alderman Anderson that the Eighth Report of the Transport and Environment Committee for 1997 be amended by adding the following as Section 25:

"(a) That a purchase order be issued to LaFarge Construction of Hamilton, Ontario, in the amount of $462,827.50 plus applicable taxes and contingency for a total of $559,425.43, for the sidewalk reconstruction, decorative lighting installation, planting bed preparation and irrigation for the redevelopment of the north side of King Street East between James Street and Mary Street, being the lowest acceptable tender received in accordance with specifications RHW-97-45 (HW) issued by the Region's Department of Transportation and vendor's tender; and,

(b) That this expenditure be financed from Capital Funds Account No. CF5207 609755033; and,

(c) That the Mayor and City Clerk be authorized to execute the associated contract in a form satisfactory to the City Solicitor." **CARRIED.**

PARKS AND RECREATION COMMITTEE - SEVENTH REPORT

Section 5 Re: Sale of alcoholic beverages - Hamilton Hornet Rugby Football Club

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Charters, Anderson, D'Amico, Ross. -12.

NAYS: Aldermen Copps, Jackson. -2 **CARRIED.**

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Section 7 Re: 2002 North American Aboriginal Games

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1. **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - ELEVENTH REPORT

Section 5 Re: Mobile Sign By-law

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Merling, Anderson, D'Amico, Ross. -15

NAYS: Aldermen Charters, Jackson. -2. **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - TWELFTH REPORT

FINANCE & ADMINISTRATION COMMITTEE - FIFTEENTH REPORT

Section 12 Re: Financing - Hamilton Beach Neighbourhood Plan

It was moved by Alderman Eisenberger and seconded by Alderman Collins that Section 12 of the Fifteenth Report for 1997 of the Finance and Administration Committee be amended by deleting the words "considered in the 1998 Capital Budget process" in the first paragraph and inserting the word "approved" in lieu thereof; and, by deleting the word "considered" in sub-section (a) and inserting the word "included" in lieu thereof; and, by deleting "1998" in sub-section (a) and inserting "1997" in lieu thereof, and further that the following be added as sub-section (c):

(c) That, if the Province does not agree with the agreement by December 31, 1997, the funding will be reconsidered in the 1998 budget. **CARRIED.**

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Section 13 Re: Draft By-law regarding Loitering, Panhandling and other issues

It was moved by Alderman Charters and seconded by Alderman Ross that Item 13 of the FIFTEENTH Report of the Finance and Administration Committee for 1997 be deleted and replaced with the following:

13. (a) That the City of Hamilton Law Department Staff be directed to work with the Hamilton-Wentworth Police Department to draft a bylaw for the City of Hamilton regarding Loitering, Panhandling, and other issues in the Downtown Core based on the results of the Police surve presently being conducted in the Downtown Core, and;

(b) That a report and the By-law be brought back to a special meeting of the Finance and Administration Committee in three weeks. **CARRIED.**

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Section 15 Re: Country Music Week '97 held in Hamilton

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -15

NAYS: Aldermen Copps, Wilson. -2. **CARRIED.**

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Section 16 Re: Liquor Licence Board of Ontario - Sheraton Hamilton Hotel for a reception on the rooftop of Lloyd D. Jackson Square

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Drury, Morelli, Copps, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -16

NAYS: Alderman Wilson. -1. **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - SIXTEENTH REPORT

NOMINATING COMMITTEE - FOURTH REPORT

ACTING MAYOR FOR THE MONTH OF AUGUST, 1997

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman C. Collins be appointed Acting Mayor for the month of August 1997.

CARRIED.

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Meeting of Committee of the Whole/City Council
Thursday, 1997 July 17
2:00 o'clock p.m.
Room 233, City Hall

The Council met:

Present: Acting Mayor Wilson
Aldermen Kiss, Caplan, Agro, Drury, Copps, Eisenberger, Collins, Charters, Jackson, Merling, D'Amico.

Absent: Mayor R. M. Morrow - vacation
Alderman W. McCulloch - civic business
Alderman B. Morelli - civic business
Alderman T. Anderson - other commitment
Alderman D. Ross - vacation

Mayor Morrow called the meeting to order.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole, be considered in Committee of the Whole with Acting Mayor Wilson in the chair.

Recorded vote.

YEAS: Acting Mayor Wilson, Aldermen Kiss, Caplan, Agro, Drury, Copps, Eisenberger, Collins, Charters, Jackson, Merling, D'Amico. -12.

NAYS: -0. **CARRIED.**

COMMITTEE OF THE WHOLE - NINTH REPORT

Plastimet Fire - 363 Wellington St. N. (Usarco Property)

It was moved by Alderman Kiss and seconded by Alderman Drury that the Report of the Committee of the Whole on the Report of the Committee of the Whole be adopted.

Recorded vote.

YEAS: Acting Mayor Wilson, Aldermen Kiss, Agro, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, D'Amico, Ross. -12.

NAYS: -0. **CARRIED.**

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City Council then adjourned at 3:45 o'clock p.m.

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Taken as read and approved.

ACTING MAYOR D. WILSON

J. J. Schatz
1997 July 17
JJS/dg

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **NINTH** Report for 1997 and respectfully recommends:

1. That staff initiate a detailed investigation and prepare a written report with respect to all aspects of Plastimet operating at 363 Wellington St. N. (Usarco Property).

2. That the Province of Ontario be requested to ensure that 363 Wellington St. N., the location of the recent Plastimet fire be cleaned up to the satisfaction of the City of Hamilton and the Ministry of Environment and Energy within thirty days.

3. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

   E-09 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

ACTING MAYOR D. WILSON, CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1997 July 17

Meeting of Committee of the Whole/City Council
Thursday, 1997 July 24
10:00 o'clock a.m.
Room 233, City Hall

The Council met:

Present: Mayor R. M. Morrow
Aldermen Kiss, Agro, Drury, Morelli, Copps, Wilson, Eisenberger, Merling, D'Amico.

Absent: Alderman M. Caplan - City Business
Alderman W. McCulloch - City Business
Alderman C. Collins - City Business
Alderman B. Charters - Vacation
Alderman T. Jackson - Vacation
Alderman T. Anderson - City Business
Alderman D. Ross - Vacation

Mayor Morrow called the meeting to order.

* *

It was moved by Alderman Wilson and seconded by Alderman D'Amico that the Report of the Committee of the Whole, be considered in Committee of the Whole with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Drury, Morelli, Copps, Wilson, Eisenberger, Merling, D'Amico. -9.

NAYS: -0. **CARRIED.**

COMMITTEE OF THE WHOLE - TENTH REPORT

It was moved by Alderman Wilson and seconded by Alderman D'Amico that the Report of the Committee of the Whole on the Report of the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Drury, Morelli, Copps, Wilson, Eisenberger, Merling, D'Amico. -9.

NAYS: -0.

CARRIED.

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City Council then adjourned at 11:45 o'clock a.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1997 July 24
JJS/bc

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **TENTH** Report for 1997 and respectfully recommends:

1. (a) That RCM Contracting Ltd. be contracted to board up the building at 127 Burton Avenue to prevent access to the building at grade level at a cost not to exceed $4,200.00; and,

   (b) That the City Treasurer be authorized and directed to find an appropriate funding source.

2. That the Province of Ontario be requested to conduct a full public inquiry into all aspects of the Plastimet Fire at 363 Wellington Street North and that this inquiry provide recommendations aimed at preventing a reoccurrence of this type of fire and its resulting consequences in the future and further that all local M.P.P.'s be asked to support this request.

   Recorded Vote:

   YEAS: Mayor Morrow, Aldermen Kiss, Drury, Morelli, Copps, Wilson, Eisenberger, Merling, D'Amico. - 9 .

   NEAS: 0. **CARRIED.**

3. That three way stop control be implemented at Coral and Fieldway Crescent for a three month period.

4. That the following Bills be adopted, signed, sealed and enrolled as a By-law:

   (a) E-10 A By-law to Amend By-law 89-72 To Regulate Traffic.

   (b) E-11 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW
CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1997 July 24

Meeting of Committee of the Whole/City Council
Thursday, 1997 August 7
10:00 o'clock a.m.
Room 233, City Hall

The Council met:

Present: Mayor R. M. Morrow
Aldermen Kiss, Caplan, Agro, McCulloch, Eisenberger, Collins, D'Amico, Ross.

Absent: Alderman D. Drury - Other Business
Alderman B. Morelli - Other Business
Alderman G. Copps - Regional Business
Alderman D. Wilson - Vacation
Alderman B. Charters - City Business
Alderman T. Jackson - Vacation
Alderman H. Merling - City Business
Alderman T. Anderson - Vacation

Mayor R. M. Morrow called the meeting to order.

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It was moved by Alderman Agro and seconded by Alderman Caplan that the Report of the Committee of the Whole and the Finance and Administration Committee, be considered in Committee of the Whole with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Eisenberger, Collins, D'Amico, Ross. -9.

NAYS: -0. **CARRIED.**

COMMITTEE OF THE WHOLE - ELEVENTH REPORT

i) Bus Lane - King Street West
ii) T. Eaton Company

Section 2(a) Re: T. Eaton Company - Free Parking

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Eisenberger, Ross. -7.

NAYS: Aldermen Collins, D'Amico. -2. **CARRIED.**

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Section 2(b) Re: T. Eaton Company - Space Rental on Third Floor Eaton's Centre.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Eisenberger, Collins, Ross. -8.

NAYS: Alderman D'Amico. -1. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - SEVENTEENTH REPORT

i) Panhandling
ii) By-law Re: Panhandling

Section 1 Re: Panhandling By-law.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Eisenberger, Ross. -5.

NAYS: Aldermen Kiss, Caplan, Collins, D'Amico. -4. **CARRIED.**

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It was moved by Alderman Agro and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Report of the Committee of the Whole and the Finance and Administration Committee be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Eisenberger, Collins, D'Amico, Ross. -9.

NAYS: -0. **CARRIED.**

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City Council then adjourned at 11:15 o'clock a.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1997 August 7
JJS/bc

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **ELEVENTH** Report for 1997 and respectfully recommends:

1. That the Chief Administrative Officer for the City of Hamilton in conjunction with the Public Works and Traffic Department and the Regional Transportation Department be authorized to adjust the current bus only lane on King Street West as required to accommodate fluctuating requirements for parking and loading.

2. That in return for agreement from the T. Eaton Company to continue to operate the Eaton's store in the Eaton's Centre in Downtown Hamilton for a minimum period of ten years, that the following initiatives be approved:

   (a) (i) That, as a one year downtown initiative, two hours of free parking be provided to all customers using the York Boulevard Parking Garage; and

   (ii) That the Hamilton Parking Authority be compensated for the actual loss of revenue as a result of this initiative at an annual cost not to exceed $450,000; and

   (iii) That the City Treasurer be requested to recommend the method of financing this expenditure.

   Recorded vote on 2(a).

   YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Eisenberger, Ross. -7.

   NAYS: Aldermen Collins, D'Amico. -2. **CARRIED.**

   (b) That the City of Hamilton support the initiative of Regional Council to rent space for Regional staff on the third floor of the Eaton's Centre.

   Recorded vote on 2(b).

   YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Agro, McCulloch, Eisenberger, Collins, Ross. -8.

   NAYS: Alderman D'Amico. -1. **CARRIED.**

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1997 August 7

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **SEVENTEENTH** Report for 1997 and respectfully recommends:

1. (a) That a By-law be approved to amend The Streets By-law No. 86-77 respecting panhandling on sidewalks adjacent to local streets under the jurisdiction of City Council; and,

   (b) That Regional Council be requested to exercise its jurisdiction over sidewalks adjacent to Regional roads by enacting a similar by-law.

2. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

   (a) D-45 A By-law to Amend: By-law No. 86-77, The Streets By-law respecting: Panhandling.

   (b) D-46 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Recorded vote on the 17th Report of the Finance and Administration Committee Report.

YEAS: Mayor Morrow, Aldermen Agro, McCulloch, Eisenberger, Ross. -5.

NAYS: Aldermen Kiss, Caplan, Collins, D'Amico. -4. **CARRIED.**

Respectfully submitted,

ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

Susan K. Reeder
Secretary
1997 July 31

Meeting of Committee of the Whole/City Council
Tuesday, 1997 August 12
6:20 o'clock p.m.
Room 233, City Hall

The Council met:

Present: Mayor R. M. Morrow, Chairman
Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Wilson, Eisenberger, Jackson, D'Amico, Ross.

Absent: Alderman V. Agro - Bereavement
Alderman B. Morelli - Other Business
Alderman C. Collins - Vacation
Alderman B. Charters - Vacation
Alderman H. Merling - Family Business
Alderman T. Anderson - Vacation

Mayor R. M. Morrow called the meeting to order.

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole and the Report of the Finance and Administration Committee, be considered in Committee of the Whole with Mayor Morrow in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Wilson, Eisenberger, Jackson, D'Amico, Ross. -11.

NAYS: -0. **CARRIED.**

COMMITTEE OF THE WHOLE - TWELFTH REPORT
i) Treasurer's "Update on Province's 'Who Does What' Initiatives"
ii) T. Eaton Company
iii) Soil Samples - Simcoe Street East Property

Section 2(a) Re: T. Eaton Company - Remerchandising

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Wilson, Eisenberger, Jackson, D'Amico, Ross. -11.

NAYS: -0. **CARRIED.**

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Section 2(b) Re: T. Eaton Company/Farmer's Market - Pedestrian Walkway

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Ross. -7.

NAYS: Aldermen Wilson, Eisenberger, Jackson, D'Amico. -4. **CARRIED.**

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Section 2(c) Re: T. Eaton Company/Jackson Square - Continue Negotiations re Pedestrian Access

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Wilson, Eisenberger, Jackson, D'Amico, Ross. -11.

NAYS: -0. **CARRIED.**

FINANCE AND ADMINISTRATION COMMITTEE - EIGHTEENTH REPORT
Re: Bill 136

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It was moved by Alderman Kiss and seconded by Alderman Caplan that the Report of the Committee of the Whole on the Report of the Finance and Administration Committee and the Committee of the Whole be adopted.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Wilson, Eisenberger, Jackson, D'Amico, Ross. -11.

NAYS: -0. **CARRIED.**

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City Council then adjourned at 6:30 o'clock p.m.

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Taken as read and approved.

MAYOR R. M. MORROW

J. J. Schatz
1997 August 12
JJS/bc

REPORT OF THE COMMITTEE OF THE WHOLE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Committee of the Whole presents its **TWELFTH** Report for 1997 and respectfully recommends:

1. That City Council adopt the Treasurer's "Update on the Province of Ontario 'Who Does What' Initiatives" dated 1997 August 12th as the basis for the City's negotiations with the Province.

2. (a) That City Council acknowledge Eaton's initiatives respecting the remerchandising of it's Hamilton Downtown store; and,

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Wilson, Eisenberger, Jackson, D'Amico, Ross. -11.

NAYS: -0. **CARRIED.**

(b) That the City, as the owner of the Hamilton Farmer's Market building and MacNab Street Truck Tunnel, undertake to construct a barrier free pedestrian walkway to connect the Farmer's Market building with the second level of the Eaton's building with a view to encourage and increase pedestrian traffic flow among the Farmer's Market, Eaton's, Jackson Square and the downtown area, at an estimated cost of $355,000, on the understanding that Eaton's will bear the expenses of the project for costs attributable to Eaton's site and its building.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Ross. -7.

NAYS: Aldermen Wilson, Eisenberger, Jackson, D'Amico. -4. **CARRIED.**

(c) That negotiations continue among Eatons, Jackson Square and the City of Hamilton to open up an entrance from the Lloyd D. Jackson Square Food Court in lieu of the bridge.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, McCulloch, Drury, Copps, Wilson, Eisenberger, Jackson, D'Amico, Ross. -11.

NAYS: -0. **CARRIED.**

3. That payment be authorized in the approximate amount of $2,500. for the analysis of soil samples taken from City owned properties in the Simcoe Street East area.

RESPECTFULLY SUBMITTED

MAYOR ROBERT M. MORROW, CHAIRMAN
COMMITTEE OF THE WHOLE

J. J. Schatz, Secretary
1997 August 12th

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **EIGHTEENTH** Report for 1997 and respectfully recommends:

1. Whereas Bill 136 imposes a new system of dispute settlement upon public sector labour relations which violates basic democratic principles; and,

   Whereas neither the Labour Relations Transition Commission nor the Disputes Resolution Commission can be considered independent or impartial, nor do they have the confidence of the workplace parties and so fail to meet the internationally recognized standard for civilized labour relations practice as set by the United Nations (ILO) to which Canada subscribes;

   Therefore, be it resolved that the Council of the Corporation of the City of Hamilton is opposed to the passage of Bill 136, and urges that it be withdrawn by the Government of Ontario or defeated by the Legislature, and that the existing collective bargaining practices and procedures under existing Ontario labour relations legislation continue without political interference.

2. That the following Bill be adopted, signed, sealed and enrolled as a By-law:

   D-47 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

ALDERMAN D. ROSS, ACTING CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

Susan K. Reeder
Secretary
1997 August 12

CORRESPONDENCE

Correspondence:

1. Letter dated 1997 July 31 from S. G. Hollowell, Acting City Clerk advising of objections to By-law No. 97-132 respecting property at 412 Aberdeen Avenue.

   Recommendation: **Be Received.**

2. Letter dated 1997 August 7 from S. G. Hollowell, Acting City Clerk advising of objections to By-law No. 97-147 respecting property at 195 Ferguson Avenue North.

   Recommendation: **Be Received.**

3. Application dated 1997 August 7 from 839891 Ontario Inc., (A. DiSilvestro, 161 Rebecca Street, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District; and, Subdivision Application 97-05 (Wellington Estates for approval of a plan of subdivision for 76 lots for single-detached dwellings, 5 blocks to be developed in conjunction with the adjacent lands and 1 block for parkland for property at 240 Rymal Road East, Hamilton, Ontario.

   Recommendation: **Be Received.**

4. Application dated 1997 August 6 from Mohawk College of Applied Arts and Technology, Fennell Avenue West for a modification to the established "B" (Suburban Agricultural and Residential, etc.) District regulations for Blocks "1" and "2" for property at 135 Fennell Avenue West, Hamilton, Ontario.

   Recommendation: **Be Received.**

5. Application dated 1997 August 5 from Barriview Developments Limited, 4881 Yonge Street, Willowdale, Ontario for an Official Plan Amendment and Rezoning Application to amend Special Policy Area 33 to allow a restaurant use, and for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District for 880 Upper Wentworth Street, Hamilton, Ontario.

   Recommendation: **Be Received.**

6. Application dated 1997 July 17 from Ron Kemp, President, James Kemp Construction Limited, Box 3520, Station "C", Hamilton, Ontario for Part Lot control for Rouge Hill Court, Hamilton, Ontario

   Recommendation: **Be Received.**

7. Application dated 1997 July 15 from the Board of Education for the City of Hamilton, 100 Main Street East, Hamilton, Ontario for redesignation from Open Space and Major Institutional to Residential and for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District modified for 220 Dundurn Street South, Hamilton, Ontario.

Recommendation: **Be Received.**

TRANSPORT and ENVIRONMENT COMMITTEE

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **NINTH** Report for 1997 and respectfully recommends:

1. That the appropriate By-law, prepared to the satisfaction of the City Solicitor, for the stop-up, close and sale of a portion of Upper Horning Road designated as Part 5 on Plan 62R-9295 be forwarded to City Council for enactment.

2. (a) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law 95-049:

"the lands composed of part of the alleyway lying between Glenfern and Hillcrest Avenue on the east limit of Registered Plan 272, shown as Part 3 on Registered Plan 62R-14117, comprising an area of 80.40 square metres (865.5 square feet)"; and,

(b) (i) That an Offer to Purchase (Highway Closure), duly executed by Gerard Martin and Marie McManus, on 1997 July 28 and scheduled to close thirty (30) days after the conditions of the Offer have been fulfilled to the satisfaction of the City, being on or before 1997 December 17, for the lands composed of part of the alleyway lying between Glenfern and Hillcrest Avenue on the east limit of Registered Plan 272, shown as Part 3 on Registered Plan 62R-14117, comprising an area of 80.40 square metres (865.5 square feet), rear of 85 Mountain Avenue, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $1 be credited to Account Number CH 4X501 00102 (Reserve for Property Purchases (Sales)); and,

(ii) That the closing of the this sale transaction be conditional upon:

(1) the Purchaser agrees to take title subject to such registered easements in favour of the Regional Municipality of Hamilton-Wentworth and Bell Telephone Company; and,

(2) the Purchaser is required at its expense, to prepare and register all required easement documents with and satisfactory to each Utility; and,

(iii) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor; and,

(iv) That in accordance with the Real Property Sales Procedural By-law No. 95-049:

(1) satisfactory notice has been given pursuant to Section 300 of the Municipal Act (the highway sale provision); and,

(2) no appraisal of the fair market value of the real property intended to be sold was obtained as Highway (Public Alleyway) closures and sales are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,

(3) the City Clerk be authorized and directed to execute and issue a certificate of Compliance in the Form prescribed pursuant to Section 193 of the Municipal Act; and,

(c) That the appropriate Stop-up, Close and Sell By-Law, prepared to the satisfaction of the City Solicitor, be forwarded to City Council for enactment.

3. (a) That the appropriate By-Law, prepared to the satisfaction of the City Solicitor, to sell a portion of closed Greenhill Avenue and Newlands Road designated as Part 3 on Plan 62R-7888 and Part 2 on Plan 62M-6273 be forwarded to City Council for enactment.

4. (a) That the appropriate By-law to alter Centennial Parkway and Arrowsmith Road be forwarded to City Council for enactment; and,

(b) That the Home Depot, the owner of lands at No. 350 Centennial Parkway North, pay approximately 59 per cent of the total costs of the widening of Centennial Parkway from approximately 50 metres south of Arrowsmith Road to approximately 210 metres north of Arrowsmith Road, the widening of Arrowsmith Road from Centennial Parkway to approximately 120 metres westerly, the installation of traffic signals at the intersection of Arrowsmith Road and Centennial Parkway, the construction of a traffic turning circle at the west end of Cascade Street, the acquisition of lands at the north west corner of

Arrowsmith Road and Centennial Parkway and the costs for any utility relocation, etc. required as a result of these roadworks. Their preliminary cost estimate share, excluding utility relocation and land acquisition costs, is approximately $224,200; and,

(c) That the City of Hamilton pay approximately 41 per cent of the works described in item (b) above. The City's preliminary cost estimate share, excluding utility relocation and land acquisition costs, is approximately $155,800; and,

(d) That the Commissioner of Public Works and Traffic be authorized and directed to install a traffic signal at the intersection of Arrowsmith Road and Centennial Parkway upon completion of the widening of the intersection and landscaping in the median at a cost not to exceed $40,000 - Capital Funding; and,

(e) That the Finance and Administration Committee be requested to recommend the method of financing these works; and,

(f) That City staff be authorized to remove any trees required in conjunction with the alterations and replace them with appropriate landscaping; and,

(g) That prior to the issuance of an Approach Approval, the Home Depot provide the City of Hamilton with securities in the amount of $161,250 for their portion of the roadworks and pay to the City the required Construction Inspection fees; and,

(h) That The Home Depot be advised of these actions.

5. (a) That an Option to Purchase, duly executed by Jawee Enterprises Inc. (Darvin Puhl, Director), on 1997 August 14 and scheduled to close on or before 1997 September 26, for the lands composed of part of Lot 27, Concession 1, in the former Township of Saltfleet, now in the City of Hamilton, being municipally known as part of 337 Centennial Parkway North, Hamilton and comprising an area of 188 square metres (2,023.68 square feet), more or less, as shown on Schedule "A" attached to the agreement, be approved and completed at the purchase price of $16,200; and,

(b) That the Finance and Administration Committee be requested to determine the method of financing; and,

(c) That the Option to Purchase be subject to the following conditions:

(i) that the City shall maintain vehicular egress and ingress to 337 and 347 Centennial Parkway North at all times during construction including the 30 foot right of way along the easterly boundary of 337 Centennial Parkway North; and,

(ii) that the City shall, at its own expense change the location of the easterly entrance and remove secondary entrance to the Owner's property as to be determined by the owner and located on a plan to be submitted to the Regional Roads Division prior to the closing of this transaction. Entrance will be heavy grade asphalt to gate; and,

(iii) that the City shall, at its own expense replace the entire chain link fence and gates running along the southerly boundary of the Owner's property with a new chain link fence and rolling gate of equal or better quality than the present fence and gates and if required provide a recessed area to be determined by the owner and located on a plan to be submitted to the Regional Roads Division prior to the closing of this transaction so as to provide safe ingress and egress for the Owner's vehicles; and,

(iv) that the Owner shall execute an Authority to Enter document in the City's form prior to the closing of this transaction allowing the City to enter onto his lands for the purpose of replacing the existing fence and gates and other construction related to this road widening project; and,

(v) that the City shall, at its own expense, plant trees on existing boulevard; and,

(vi) that the Owner shall obtain an executed Release of Right-of-Way document (Instrument No. 220887HL) to be approved by the City and satisfactory to the City Solicitor prior to the closing of this transaction, from the owners of the adjacent lands at 347 Centennial Parkway; and,

(d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor; and,

(e) That an Authority to Enter, duly executed by Jawee Enterprises Inc. (Darvin Puhl, President) on 1997 August 14 to permit entry by the City on the private property known municipally as 337 Centennial Parkway North, being part of Lot 27, Concession 1, formerly in the Township of Saltfleet, now in the City of Hamilton, more specifically being approximately a 12 metre (40 foot), more or less, to 21.55 metres (70 feet), more or less, strip of land along the southerly limit of 337 Centennial Parkway North as shown highlighted on Schedule "A" attached to the agreement for the purposes of the installation of a chain link fence and gate, the location of which is to be determined by the owner and

other construction related work associated with the Arrowsmith Road widening project.

6. That three-way stop control be implemented at the intersection of Berkindale Drive and Sylvester Street and that Traffic By-law 89-72 be amended accordingly.

7. That the existing "No Parking" regulation on the east side of Avondale Street between Mons Avenue and the Canadian National Railway Main Line be switched to the west side of the street and that the City Traffic By-law 89-72 be amended accordingly.

8. (a) That the existing "No Parking" regulation on the south side of Roseland Avenue commencing at Blake Street and extending to the easterly end be revised such that the regulation commences at Blake Street and extends to a point 18 feet west of the easterly end; and,

(b) That a "No Stopping" regulation be implemented on the north side of Roseland Avenue commencing at the easterly end and extending to a point 17 feet westerly therefrom; and that the City Traffic By-law 89-72 be amended accordingly.

9. That the existing "No Parking" regulation on the east side of Thorndale Street South, commencing at a point 183 feet south of Main Street West and extending to a point 41 feet southerly therefrom, be removed and that the City Traffic By-law 89-72 be amended accordingly.

10. That the existing "No Stopping" regulation on the west side of Connaught Avenue South commencing at Dunsmure Road and extending to a point 52 feet southerly therefrom be removed and that the City Traffic By-law 89-72 be amended accordingly.

11. (a) That a "Permit Parking" regulation be implemented on the south side of Brock Street commencing at a point 89 feet east of John Street North and extending to a point 24 feet easterly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Henry Fusaro, 36 Brock Street.

12. That the existing "Permit Parking" regulation on the west side of Adeline Avenue commencing at a point 50 feet south of Roxborough Avenue and extending to a point 20 feet southerly therefrom, and on the east side of Adeline Avenue commencing at a point 29 feet south of Roxborough Avenue and extending to a point 22 feet southerly therefrom be removed, and that the City Traffic By-law 89-72 be amended accordingly.

13. That the existing "No Parking, 10:00 a.m. to 2:00 p.m., Monday to Friday" regulation on the west side of East 35th Street between Concession Street and the northerly end be replaced with a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation, and that the City Traffic By-law 89-72 be amended accordingly.

14. That the existing "Permit Parking" regulation on the east side of Tragina Avenue North commencing at a point 66 feet south of Vansitmart Avenue and extending to a point 22 feet southerly therefrom be removed, and that the City Traffic By-law 89-72 be amended accordingly.

15. That a "No Parking" regulation be implemented on the east side of Abbington Drive commencing at the north curb line of Abbington Drive and extending to a point 38 feet northerly therefrom and on the north side of Abbington Drive commencing at the east curb line of Abbington Drive and extending to a point 48 feet easterly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.

16. (a) That a "Permit Parking" regulation be implemented on the north side of Land Street commencing at a point 60 feet west of Niagara Street and extending to a point 19 feet westerly therefrom and that the City Traffic By-law 89-72 be amended accordingly; and,

    (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. DeMerchant, 21 Land Street.

17. That the existing "Permit Parking" regulation on the west side of Hughson Street North commencing at a point 240 feet south of the south curb line of Brock Street and extending to a point 18 feet southerly therefrom be removed, and that the City Traffic By-law 89-72 be amended accordingly.

18. That a "No Parking" regulation be implemented on the west side of Locke Street South commencing at a point 119 feet north of Charlton Avenue West and extending to a point 27 feet northerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.

19. That "No Stopping" corner clearances be implemented on the west side of Upper Kenilworth Avenue, commencing at Elliott Avenue and extending to a point 69 feet northerly therefrom, and commencing at Elliott Avenue and extending to a point 38 feet southerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.

20. That a full-time "One Hour Parking Time Limit" regulation be implemented on both sides of Skylark Drive between Limeridge Road East and Pheasant Place, and that the City Traffic By-law 89-72 be amended accordingly.

21. That a "Three Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of Munn Street between East 31st Street and East 33rd Street, and that the City Traffic By-law 89-72 be amended accordingly.

22. That a "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on both sides of West 33rd Street between Angela Avenue and Scenic Drive, and that the City Traffic By-law 89-72 be amended accordingly.

23. (a) That the existing "Permit Parking" regulation on the west side of Sanford Avenue North commencing 147 feet north of Barton Street East and extending to the south curb line of Myler Street be revised such that the regulation commences 147 feet north of Barton Street East and extends to a point 227 feet northerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

    (b) That the maximum number of permits to be issued be reduced from eleven to eight.

24. That the existing "Wheelchair Loading Zone, 8:00 a.m. to 11:00 p.m., Monday to Friday" regulation on the west side of Tragina Avenue North commencing at a point 66 feet south of Vansitmart Avenue and extending to a point 23 feet southerly therefrom, be revised such that the regulation is in effect seven days a week, and that the City Traffic By-law 89-72 be amended accordingly.

25. That the existing "Commercial Vehicle Loading Zone, 8:00 a.m. to 12:00 noon, Monday to Friday" regulation on the west side of Catharine Street South commencing 77 feet south of Young Street and extending 40 feet southerly therefrom be revised such that the regulation is in effect from 8:00 a.m. to 5:00 p.m., Monday to Friday, and commences 87 feet south of Young Street and extends 60 feet southerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.

26. That the existing "Permit Parking" regulation on the north side of Dunsmure Road commencing at a point 96 feet east of Park Row North and extending to a point 19 feet easterly therefrom, and on the south side of Dunsmure Road commencing at a point 102 feet east of Park Row North and extending to a point 18 feet easterly therefrom be removed, and that the City Traffic By-law 89-72 be amended accordingly.

27. (a) That a "Permit Parking" regulation be implemented on the west side of Mary Street commencing at a point 119 feet south of Murray Street East and extending to a point 16 feet southerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Nicolae Polmolea, 305 Mary Street.

28. (a) That a "Permit Parking" regulation be implemented on the east side of Norman Street commencing at a point 197 feet south of Argyle Avenue and extending to a point 20 feet southerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Ms. Nancy Meadows, 68 Norman Street.

29. (a) That a "Permit Parking" regulation be implemented on the west side of Strathearne Avenue commencing at a point 438 feet south of Barton Street East and extending to a point 23 feet southerly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. James Lindstead, 295 Strathearne Avenue.

30. That a "Wheelchair Loading Zone, 12 noon to 8:00 p.m., seven days a week" regulation be implemented on the east side of Pearl Street North commencing at a point

32 feet south of Peter Street and extending to a point 15 feet southerly therefrom and that the City Traffic By-law 89-72 be amended accordingly.

31. (a) That a "Permit Parking" regulation be implemented on the north of Campbell Avenue commencing at a point 64 feet east of Carlisle Street and extending to a point 24 feet easterly therefrom, and on the south side of Campbell Avenue commencing at a point 44 feet east of the east curb line of Carlisle Street and extending to a point 16 feet easterly therefrom, and that the City Traffic By-law 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Sandra Gamble, 123 Campbell Avenue.

32. That westbound traffic on the north branch of Albion Falls Boulevard be required to stop for northbound and southbound traffic on Corinthian Drive and that the City Traffic By-law 89-72 be amended accordingly.

33. (a) That the traffic signal at Limeridge Road East and the easterly access to Limeridge Mall be removed; and,

(b) That the existing "No Left Turn" regulation on Limeridge Road East, prohibiting a southerly left turn at the west access of Limeridge Mall be removed, and that the City Traffic By-law 89-72 be amended accordingly.

34. That the supervised school crossing location on Upper Gage Avenue at Crockett Street be relocated to the intersection of Upper Gage Avenue and Sunning Hill Avenue.

35. (a) That the following Hamilton Street Railway bus stop be relocated for a six-month trial period:

<u>Route #5 Delaware, 10 Beeline and 51 University</u>

Delete - Westbound - King Street West, north side, 112 feet east of Sterling Street (M/B); and,

Add - Westbound - King Street West, north side, 28 feet east of Sterling Street (N/S); and,

(b) That the City Traffic By-law 89-72 be amended accordingly.

36. That the applications to retain inadvertent encroachments at the locations as outlined on Appendix "A", appended hereto, be approved during the pleasure of Council, provided:

(a) That the owners enter into agreements satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

(b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,

(c) That the first year fees and subsequent annual fees as outlined in Appendix "A" be set for the encroachments.

37. That the application of 953783 Ontario Ltd/Rudolf Kuras, owner of 307-7 Mary Street, to erect and maintain the encroachment of a fire escape measuring 1.0m x 1.5m onto the road allowance of Mary Street, be approved, subject to the following:

(a) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

(b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,

(c) That the applicant pay a first year fee $184 and a subsequent annual fee of $35.

38. That the application of J. & M. Sonke, owners of 125 South Oval, to erect and maintain encroachments consisting of a retaining wall 0.35m x 28.0m x 0.90m and landscaping measuring 0.90m x 28.0m onto the road allowance of South Oval and a retaining wall measuring 0.35m x 12.5m x 0.90m and landscaping measuring 0.90m x 12.5m onto the road allowance of Newton Avenue, be approved, subject to the following:

(a) That the owner enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

(b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,

(c) That the applicant pay a first year fee $184 and a subsequent annual fee of $35.

39. That the application of Tec Est Consultants Inc. on behalf of Air Liquide Canada Inc. to install and maintain 117.65m of 100mm diameter pipeline for the transmission of gaseous hydrogen along the west side of Depew Street southerly from Burlington Street, be approved, subject to the following conditions:

(a) (i) That Air Liquide Canada Inc. enter into an agreement satisfactory to the City Solicitor and Commissioner of Transportation to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss; and,

(ii) That Air Liquide Canada Inc. or its designated contractor become a member of Call-Bud System, the underground locate agency; and,

(b) That the Mayor and City Clerk be authorized to execute the City's standard form of agreement; and,

(c) That Canadian Air Liquide Canada Inc. pay a first year fee $264 and a subsequent annual fee of $155.78 plus taxes if applicable.

40. (a) That the following City land be incorporated in the following streets:

Fieldway Drive	Part 16	Plan 62R-11054
Appleblossom Drive	Part 2	Plan 62R-14168
Nash Road	Part 3	Plan 62R-14202
Garside Avenue North	Parts 2 and 5	Plan 62R-13955

(b) That the By-Laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the City Solicitor and be enacted by Council.

(c) That the Commissioner of Transportation be authorized and directed to register the By-Laws.

41. That the application of Hess Village Performing Arts to temporarily close Hess Street between King Street and Main Street on Thursday 1997 September 4 beginning from 6:30 pm till 2:00 am Monday September 8, to coincide with the Lakeport Canadian Country Music Association of Canada Convention, be approved, subject to the following conditions:

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

(b) That the applicant provide proof of $5,000,000. public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

(c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,

(d) That all barricading be supplied by and at the expense of the applicant; and,

(e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,

(f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,

(g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation; and,

(i) That the applicant be granted extension to the City of Hamilton Noise By-Law 79-292 and contract a City of Hamilton Noise By-Law Officer to be in attendance throughout the event, at the expense of the applicant; and,

(j) That the LLBO be advised that the Corporation of the City of Hamilton is aware of the application for a Temporary Extension of Liquor Licence submitted by the Lazy Flamingo (19 Hess Street South) in conjunction with the

Country Music Association of Canada convention to take place 1997 September 5, 6, 7 and 8; and that the City has no objection to the issuance of the Temporary Extension of Liquor Licence for this event.

42. That the application of the Westdale Village B.I.A. to temporarily close King Street West between North Oval and Sterling Street on Saturday 1997 September 6 from 6:30 am to 6:00 pm, to hold a "Community Garage Sale and Sidewalk Sale", be approved, subject to the following conditions:

(a) That the prior approval of the Chief of Police or his designate be received and that such permits or authorizations as may be required by the Chief of Police or his designate be obtained; and,

(b) That the applicant provide proof of $2,000,000 public liability insurance naming the Region and the City of Hamilton as an added insured party, with a provision for cross liability and holding the Region and the City of Hamilton harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses and loss; and,

(c) That all barricading, detour signing and traffic control be subject to the direction of the Chief of Police or his designate; and,

(d) That all barricading be supplied by and at the expense of the applicant; and,

(e) That "Temporary Road Closure" signs be installed in advance by the Department of Public Works and Traffic on the affected roadways, if deemed necessary by the Commissioner of Public Works and Traffic, at the expense of the applicant; and,

(f) That the applicant ensure that clean up operations be carried out immediately before the re-opening of the roads to the satisfaction of the Commissioner of Transportation and at the expense of the event organizer; and,

(g) That no property owner or resident within the barricaded area be denied access to their property upon request; and,

(h) That all property owners and tenants along the closed portion of the route be notified of the event by the applicant prior to the event in a form acceptable to the Commissioner of Transportation.

43. That the Commissioner of Transportation be authorized and directed to award tenders as required on the approved Canada/Ontario Infrastructure Works Program as per Appendix "B" attached hereto.

44. (a) That the approved 1997 Road and Sidewalk construction program proceed with the completion of East 37th Street between Crockett Street and Concession Street and Cheryl Avenue between Upper Sherman Avenue and East 34th Street: and,

(b) That the Finance and Administration Committee be requested to recommend the method of financing the identified shortfall in the 1997 Road and Sidewalk Improvement Programme in the estimated amount of $580,000.plan)

45. That four-way stop control be implemented at the intersection of Normandy Road and Auburn Avenue, and that Traffic By-law 89-72 be amended accordingly.

46. That four-way stop control be implemented at the intersection of Delena Avenue North and Dunsmure Road and that Traffic By-law 89-72 be amended accordingly.

47. That a "No Stopping" regulation be implemented on the south side of Milkyway Drive/Trenholme Crescent, commencing 60 feet west of the extended west curb line of Upper Kenilworth Avenue and extending to a point 123 feet easterly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.

48. (a) That the City grant an easement to the Region to install sewer & water lines within land dedicated to the City by the St. Elizabeth Home Society for Garth Street, (south of Rymal Road). This land is part of lot 3, concession 1, geographic township of Glanford, designated as Part 2, on reference plan 62R-5470; and,

(b) That the Mayor and City Clerk be authorized to execute the easement to the Region in a form satisfactory to the City Solicitor; and,

(c) That in compliance with the City's Real Property Sales Procedural By-law No. 95-49, it is hereby affirmed:

(i) the said proposed easement to the Region is declared surplus to the requirements of the City; and,

(ii) Notice of sale of the said easement is sufficiently given by inclusion of this easement sale in the Agenda of the Council meeting held to consider this recommendation; and,

(iii) an appraisal of the value of the said easement to the Region is not required because the easement is being sold to a regional municipality, namely The Regional Municipality of Hamilton-Wentworth; and,

(iv) the City Clerk be hereby authorized to execute a Certificate of Compliance in accordance with the Real Property Sales Procedural By-law for purposes of the said transfer of easement to the Region.

49. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) A-51 A By-law to Incorporate City Land Designated as Part 16, Plan 62R-11054 Into Fieldway Drive.

A-52 A By-law to Incorporate City Land Designated as Part 2 on Plan 62R-14168 Into Appleblossom Drive.

A-53 A By-law to Incorporate City Land Designated as Part 3 on Plan 62R-14202 Into Nash Road.

A-54 A By-law to Incorporate City Land Designated as Parts 2 & 5 on Plan 62R-13955 Into Garside Avenue North.

A-55 A By-law to Stop-Up, Close and Sell a Portion of the Alley at the Rear of 85 Mountain Avenue Designated as Part 3 on Plan 62R-14117.

A-56 A By-law to Stop-Up, Close and Sell a Portion of Upper Horning Road Lying East of Omni Boulevard Designated as Part 5 on Plan 62R-9295.

A-57 A By-Law to Alter Centennial Parkway from Approximately 50 Metres South of Arrowsmith Road to Approximately 210 Metres North of Arrowsmith Road; to Alter Arrowsmith Road from Centennial Parkway to Approximately 120 Metres Westerly; to Alter Cascade Street at its Westerly End.

A-58 A By-law to Sell a Closed Portion of Greenhill Avenue and a Closed Portion of Newlands Road Designated as Part 3 on Plan 62R-7888 and Part 2 on Plan 62R-6273.

A-59 A By-law to Amend By-law No. 89-72 to Regulate Traffic.

A-60 A By-law to Amend By-law No. 89-72 to Regulate Traffic.

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

Kevin C. Christenson, Secretary

1997 July 18

Location	Municipal Address	Owner	Type of Encroachment	First Year/Annual Fee	File Number
Sanford Ave. N.	130 Sanford Ave. N.	Mayen/Sanchez	Frame Veranda measuring 1.06m x 6.40m	$184/20	T103-50 (1303)
Bay St. N.	434 Bay St. N.	B. Stopps	Veranda & Steps measuring 0.90m x 3.50m	$184/20	T103-50 (1313)
Ferguson Ave.	34 Foster St.	E. & L. Jegeris	Portion of building measuring 8.5m x 2.5m, 4.15m x 1.2m & steps measuring 1.5m x 0.3m	$184/20	T103-50 (1293)
Burlington St. W.	56 Burlington St.W.	A. MacLean	Veranda & Steps measuring 2.9m x 1.2m	$184/20	T103-50 (1320)

STREET	FROM	TO	COMMENTS	ESTIMATE
Morley Street	Parkdale	Tate	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional sewer work	$614,000
Fernwood Crescent	Tenth	Ninth	-road reconstruction-sidewalk reconstruction-both sides	$140,000
West 32nd Street	Scenic	Sanatorium	-sidewalk reconstruction and repair -both sides	$100,000
West 33rd Street	Scenic	Sanatorium	-sidewalk reconstruction and repair -both sides	$100,000
Franklin Avenue	Longwood	Parkview	-road reconstruction-sidewalk and curb reconstruction	$219,000
East 22nd Street	Fennell	Queensdale	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional sewer work	$325,000
Adeline Avenue	Main	Britannia	-road reconstruction-sidewalk reconstruction-both sides	$421,000
Hester Street	Upper James	Upper Wellington	-road reconstruction-sidewalk repairs -both sides -in conjunction with Regional watermain work	$448,000
East 38th Street	Mohawk	Macassa	-road reconstruction-sidewalk reconstruction-both sides	$452,000
Wise Crescent	Grenadier	Grenadier	-road reconstruction-sidewalk reconstruction-both sides -in conjunction with Regional watermain work	$463,000
		TOTAL		**$3,282,000**

PARKS and RECREATION COMMITTEE

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **EIGHTH** Report for 1997 and respectfully recommends:

1. That the City Treasurer be directed to close the following capital project accounts with any excess funding to be transferred to its original source of financing:

Centre Number	Project Description	Authorized Gross Cost	Total Expenditure	Excess Financing
709341015	Huntington Park-Wading Pool Conversions	101,370	98,003	3,367
629455015	Engineering/Hydraulic Study-Golf Course	40,000	39,740	260
709541013	Facility Infrastructure Study	100,000	87,221	12,779
709654018	Ivor Wynne Stadium-Renovations & Repairs	90,000	89,447	553

2. That approval as required by Sections 35 and 37 of Parks By-Law No. 95-126 as amended, and under the Standard Terms and Conditions of the Special Events Guidelines, be given to the following to bring animals into a park in the locations and on the dates specified:

   (a) The Director of Culture and Recreation to host the Pumpkinfest Event, 1997 October 26, in Pier 4 Park;

   (b) Ferric Oxide - Robert Mason, to host "First Voices Day"/Listen to the Valley, 1997, October 4, in Red Hill Valley.

3. That approval as required by Section 17 (1) and Section 26 of the Fireworks By-Law 90-198 and Section 05 of the Parks By-Law 95-126 as amended, and under the Standard Terms and Conditions of the Special Events Guidelines, be given to the

Hamilton Tiger Cat Football Club -(1097694 Ontario Limited) to hold low level fireworks displays at Ivor Wynne Stadium during the 7:00 p.m. Tiger Cat Football Game, 1997 September 01.

4. (a) That a Purchase Order in the amount of $93,732. inclusive of G.S.T. ($6,132.) be issued to Roof Tile Management Inc. of Brampton, Ontario, for the roof replacement over the "old restaurant" section of Dundurn Castle; being the lowest price of five quotations received in accordance with the specifications (C6-26-97) issued by the Purchasing Division; and,

(b) That the expenditure be financed from Capital Fund Account - Major Maintenance to Civic Buildings - CF 319741033 ($98,000.).

5. (a) That approval be given to the Director of Culture and Recreation to carry a contingency in the amount of $34,420. (GST included) to undertake any unforseen items which may arise in the Chedoke Twin Pad Arena Architectural and Mechanical Modifications project; and,

(b) That these funds be financed from accounts CF 709741040 (Chedoke Twin Pad arena Changerooms Dehumidification and repair, CF 709741046 (Twin Pad Arena Incremental Operational Improvements, CF 809453005 (Barrier Free Access - City Buildings) and CF 709041012 (Chedoke West Mountain Twin Pad Arena).

6. That City Council approve the actions of the Purchasing Agent, the Chief Administrative Officer and the Chairman of Parks and Recreation in issuing a purchase order to Anders Contracting of Hagersville, Ontario, in the amount of $56,912.00 plus applicable taxes and contingency for a total of $73,735.84 for water service and sewer installation at T.B. McQuesten Park, being the lowest acceptable tender received in accordance with specifications C16-28-97 issued by the Purchasing Division and vendor's tender, and be financed from CF 629254005.

7. (a) That approval be given to the Commissioner of Public Works and Traffic to enter into a contract with G.S. Wark Ltd. in the amount of $242,943.50, including a $20,000. contingency and $15,893.50 G.S.T., for the construction of sun shelters and concrete block buildings at Roxborough and Myrtle Parks, being the lowest of three (3) tenders received in accordance with specifications C16-32-97 issued by the Purchasing Division and the Vendor's Tender; and,

(b) That the amount of $242,943.50 for construction of the sun shelters and concrete block buildings be funded as follows: $127,223. from CF629754025 - Park Development - Additional (1997), $40,000. from CF809453005, and $75,720.50 donation from the Roxborough Park Baseball and T-Ball Association; and,

(c) That the $72,720.50 to be funded by the Roxborough Park Baseball and T-Ball Association in the interim be funded from the 1997 Park Development and Redevelopment Program - CF629754024 and the Association be charged o% interest for this advance; and,

(d) That the Law Department be authorized to prepare a construction contract for the construction of the two buildings and a Construction Agreement and a Licence to Occupy Agreement between the City and the Roxborough Park Baseball and T-Ball Association; and,

(e) That the Mayor and City Clerk be authorized and directed to execute a Construction Agreement and the License to Occupy Agreement between the City and Roxborough Park Baseball and T-Ball Association; and,

(f) That the Mayor and City Clerk be authorized and directed to execute the construction contract in a form satisfactory to the City Solicitor.

8. (a) That a purchase order be issued to G.S. Wark Ltd., Hamilton, Ontario in the amount of $79,351.20 including a $12,000. contingency and $5,191.20 G.S.T., for the construction of spray pads at Shawinigan and Powell Parks, being the lowest of three (3) tenders received in accordance with specifications C16-30-97 issued by the Purchasing Division and the Vendor's Tender; and,

(b) That the amount of $79,351.20 for construction of the spray pads be funded from CF629754024 - Park Development and Redevelopment Programme - 1997 in the amount of $71,667., and CF629654021 - Park Development and Redevelopment Program - 1996 in the amount of $7,684.

9. That a purchase order be issued to Arrowhead Paving, Burlington, Ontario in the amount of $112,938.50 including all taxes and contingency, for the granular, concrete, asphalt work and multi-purpose court at Rosedale Arena, being the only tender received in accordance with specifications C-16-31-97 issued by the Purchasing Division and the Vendor's tender, and that this expenditure be financed from the Account No. CF629654021 - Park Development and Redevelopment 1996 in the amount of $7,080., Account No. CF629754024 - Park Development and Redevelopment 1997 in the amount of $81,913.50, Account No. CF659552009 - 1995

Play Structure Redevelopment in the amount of $4,700; the remaining $19,245. will be financed from the Canada/Ontario Infrastructure Account No. CF809453015 - Parking Lots and Pathways.

10. (a) That up to three members of the Hamilton Historical Board be authorized to attend the Ontario Museum Association Conference to be held in Burlington, Ontario, from 1997 October 23-24; and,

(b) That the Conference costs in the estimated amount of $640. be financed through the Legislative Travel Account No. CH 55201 10010.

11. (a) That a Purchase Order be issued to Malcom Isbister and Co. Ltd. of Dundas, Ontario as the General Contractor for the Whitehern Wall Conservation and Repair project, in the amount of One Hundred and Seventeen Thousand and Five Hundred ($117,500.) plus applicable Goods and Service Taxes of Eight Thousand and Two Hundred and Twenty Five ($8,225.) to a total of One Hundred and Twenty Five Thousand Seven Hundred and Twenty Five ($125,725.), as the lowest qualified and acceptable of six (6) bids received in accordance with tender documents issued; and,

(b) That a contract be entered into satisfactory to the City Solicitor; and,

(c) That the Mayor and the City Clerk be authorized to execute the contract on behalf of the City.

12. (a) That "Zero Tolerance of Violence in Recreation Facilities Policy", attached hereto as Appendix "A", be approved; and,

(b) That the Director of Culture and Recreation be authorized to implement the policy effective immediately; and,

(c) That the Director of Culture and Recreation be authorized to communicate the implementation of this policy to all affected stake holders; and,

(d) That the Director of Culture and Recreation be directed to report back in one year on the effectiveness of this policy initiative.

Respectfully Submitted,

ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE

Kevin C. Christenson
Secretary

1997 August 19

Appendix "A" referred to in Section 12. of the **EIGHTH** Report of the Parks and Recreation Committee for 1997.

CITY OF HAMILTON

DEPARTMENT OF CULTURE AND RECREATION

ZERO TOLERANCE OF VIOLENCE IN RECREATION FACILITIES POLICY:

Policy Statement:

The City of Hamilton's recreation facilities: arenas, recreation centres, outdoor pools and parks sports pitches exist to provide residents with opportunities to participate in sport and other recreational activities in a safe and positive environment. The City will ensure the most supportive climate possible for Hamilton children, so that they can enjoy their sport, and learn about competition, teamwork, sportsmanship and fair play.

As with many Ontario communities, Hamilton's minor sport system is managed and operated by volunteers. These community-minded citizens contribute in many ways to the success of minor sport in Hamilton. It is the City's responsibility that they, too, have the ability to work in a safe and positive environment.

It is critical, then, for the City, via the Department of Culture and Recreation to do all things necessary to ensure that deterrents are in place to ensure that incidents of violent behaviour do not occur in its recreation facilities.

Included in this commitment is an understanding that organizations that rent City facilities must take PRIMARY responsibility for the behaviour of all associated with them: players, officials and spectators.

Statements of Principle:

1. Participation by children in sport is an important element in the human development process.

2. To ensure maximum enjoyment and benefits from participation in sport, the maintenance of a safe and positive environment is essential.

3. The rules of each of the games exist to protect the players. Referees/officials are charged to ensure the fair and even application of the rules and to ensure safety of the players.

4. These referees/officials as well as organizers of minor sport, are for the most part volunteers and, as such, the City must put measures in place to ensure their safety.

5. Violent or abusive behaviours, such as verbal threats and insults, attempts to intimidate as well as physical assault and battery have no place in the City's recreation facilities.

6. Promotion of spectator "positive cheering" will assist in the reduction of violent behaviours in City facilities.

Goals of the Policy:

1. To reduce or eliminate violence from City-owned recreation facilities, including outdoor sports pitches.

2. To promote positive cheering behaviours among spectators and fans.

3. Increase the level of understanding among spectators and fans of the importance of creating a positive and supportive environment for children's sport.

Definition of Violence:

For the purposes of this Policy, the focus is on the behaviour of non-players, except in a situation in which a player leaves the area of play to engage in a violent act.

Violence is seen to be the following behaviours:

* loud verbal assaults
* threats and attempts to intimidate
* throwing of articles in a deliberate or aggressive manner
* aggressive approaches to another individual
* physical striking of another individual
* attempts to goad or incite violence in others

The Consequences:

Individuals who engage in any of the above behaviours will be subject to immediate ejection from the facility and a further ban from all City facilities for a period of time to be determined by the Director of Culture and Recreation.

All incidents will be reported to the Hamilton-Wentworth Regional Police. Criminal charges may follow.

Components of the Policy:

The Education Component:

The Department of Culture and Recreation, with its local sports partners, will undertake a promotional and educational campaign aimed at raising awareness among parents, volunteers and spectators of the Zero Tolerance Policy and, in particular, the importance of their role in creating a positive playing atmosphere in City recreation facilities.

This component will include posters to be hung in all facilities; circulation of the policy to all stakeholders as well as posting of the policy in all City facilities; inclusion of reference to the policy in affiliate organization newsletters/handbooks.

The Enforcement Component:

In accordance with the Occupiers Liability Act, the Occupational Health and Safety Act, the Trespass to Property Act and the Criminal Code, the Policy will detail actions to be taken by staff if violent behaviours are observed or reported by organizations that have rented City facilities. The Procedures section of the Policy will detail actions to be taken.

Implementation:

If approved by Council the policy will take affect on 1 September 1997. The Policy will be implemented in two phases:

The Education Component will be launched immediately in order to provide fair warning to all parties of the Policy and its impacts on their behaviour. It is anticipated that this phase will have an immediate impact but will need to be an ongoing effort.

During the Fall of 1997, staff and volunteer organizations will work together to increase awareness of the policy.

Incidents of a verbal nature will be tolerated initially, but will be noted and raised as an issue by the organization utilizing the facility.

Incidents of a physical nature will be dealt with as in the past. Immediate ejection from the facility, possible banning, and a call to the police.

Staff training will also continue through this phase.

Full Implementation will be achieved by 1 January 1998. It is anticipated that all affected parties will have an awareness of the existence and contents of this policy by this time.

PLANNING and DEVELOPMENT COMMITTEE

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **THIRTEENTH** Report for 1997 and respectfully recommends:

1. That approval be given Zoning Application ZAC-97-19, Norris Transport, owners, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations to permit the development of six (6) single family detached dwellings, for the property at 120 Ferrie Street, as shown on the attached map marked as Appendix "A", on the following basis:

   (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner demonstrates that the site is not contaminated and that remediation/clean-up has occurred or may be required in accordance with the "Guidelines for Use at Contaminated Sites in Ontario - June 1996" (as amended from time to time), to the satisfaction of the Regional Environment Department.

   City Council may remove the 'H' symbol, and thereby give effect to the "D" District, modified provisions as stipulated in this By-law by enactment of an amending By-law once the condition is fulfilled; and,

   (b) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

      (i) That notwithstanding Subsection 10(3)(ii), a side yard of at least 1.0 m shall be permitted; and,

      (ii) That notwithstanding Subsection 10(4)(i), a lot width of a least 8.8 m and a lot area of at least 271.6 m^2 shall be permitted; and,

      (iii) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the easterly lot line; and,

(c) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1385, and that the subject lands on Zoning District Map E-2 be notated S-1385; and,

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-2 for presentation to City Council; and,

(e) That upon approval of the Zoning By-law amendment, the North End East Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Single and Double"; and,

(f) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

2. That approval be given to Zoning Application ZAC-97-23, DiCenzo Construction Company Limited, owners, requesting a change in zoning from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single Family) District for property located west of Upper Wellington Street and north of Rymal Road East, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the subject lands be rezoned from "RT-20" (Townhouse-Maisonette) District to "R-4" (Small Lot Single Family) District; and,

(b) That the Director of Planning and Development be authorized to prepare a By-law to the satisfaction of the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council; and,

(c) That upon finalization of the Zoning By-law amendment, the approved Ryckmans Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Single and Double Residential"; and,

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3. That approval be given to Zoning Application 97-13, Home by Oakbrook (Nick Uhac), owner, for a change in zoning from "E" (Multiple Dwellings, Lodges Clubs, etc.) District to "RT-30" (Street-Townhouse) District modified, to permit the development of the subject lands for 4, three storey townhouses, for property located between No. 14 and No. 24 East 35th Street, as shown on the attached map marked as Appendix "C", on the following basis:

(a) That the lands be rezoned from "E" (Multiple Dwellings, Lodges Clubs, etc.) District to "RT-30" (Street-Townhouse) District; and,

(b) That the "RT-30" (Street-Townhouse) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to subject lands, be modified to include the following variances as special provisions:

(i) That notwithstanding Section 10F (4) of Zoning By-law No. 6593, the following yards shall be provided and maintained:-

(1) a front yard depth of not less than 1.3 m and a 2.3 m depth to the garage;
(2) a rear yard depth of not less than 4.7 m; and,
(3) a side yard depth of not less than 2.0 m;

(ii) That notwithstanding Section 10F (6) of Zoning By-law No. 6593, each dwelling unit shall have a minimum lot area of 102.0 m^2 and a minimum lot width of 5.93 m;

(iii) That notwithstanding Section 18 (9) of Zoning By-law No. 6593, the manoeuvring spaces for the required parking may be provided off-site;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1386, and the subject lands on Zoning District Map E-35 be notated S-1386; and,

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-35 for presentation to City Council; and,

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

4. That approval be given to Zoning Application 97-04, by Good Shepherd Non-Profit Housing Corporation, prospective owner, for a change in zoning from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District, modified, to permit the development of the subject lands for a three (3) storey, 15 unit apartment building for property located at 100 Locke Street South, shown on the attached map marked as Appendix "D", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until such time as the Regional Environment Department has advised in writing that:

(i) the applicant has completed "Step 3 - Remedial Work Plan" and "Step 4 - Record of Site Conditions" of the Environmental Assessment and any required works, to the satisfaction of the Regional Environment Department and the Ministry of Environment and Energy; and,

(ii) City Council may remove the 'H' symbol, and thereby give effect to the "DE-3" District modified provisions as stipulated in this By-law, by enactment of an amending By-law once this condition has been fulfilled; and,

(b) That the lands be rezoned from "H" (Community Shopping and Commercial, etc.) District to "DE-3" (Multiple Dwellings) District; and,

(c) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

(i) That notwithstanding Section 10C(3), a front yard of a depth of not less than 2.0 m shall be provided and maintained along the entire southerly boundary of the subject lands; and,

(ii) That notwithstanding Section 10C(3), a side yard of a depth not less than 2.0 m shall be provided along the entire easterly boundary of the subject lands; and,

(iii) That notwithstanding Section 10C(3), a side yard of a depth not less than 4.0 m shall be provided along the entire westerly boundary of the subject lands; and,

(iv) That notwithstanding Section 18A.(1) of Zoning By-law No. 6593, not less than 13 parking spaces shall be provided and maintained on the subject lands; and,

(v) That notwithstanding Section 18A.(1) of Zoning By-law No. 6593, no loading space shall be required on the subject lands; and,

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1387, and the subject lands on Zoning District Map W-13 be notated S-1387; and,

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-13 for presentation to City Council; and,

(f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(g) That upon finalization of the implementing By-law, the approved Kirkendall North Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Low Density Apartments."

5. (a) That the City of Hamilton consents to the application of Dicenzo Construction Company and Sunshine Construction Inc. for the rezoning of Block "3" being Part of Upper Horning Road (Part 5, 62R-9295) as shown on the attached Appendix "E", which land is to be sold by the City to the applicants and forms part of the rezoning application herein. The City agrees to sign all such requisite documents in relation to such application; and,

(b) That approval be given Sunshine Construction Inc.and DiCenzo Construction, owners, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District (Blocks "1" and "2") and "AA" (Agricultural) District (Block "3") to "C" (Urban Protected Residential, etc.) District, to permit the development of ten single family detached dwellings in conjunction with the adjacent lands, for property located east of Omni Boulevard and north of Stone Church Road West, as shown on the attached map marked as Appendix "F", on the following basis:

(i) That Blocks "1" and "2" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, etc) to "C" (Urban Protected Residential, etc) District; and,

(ii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37C for presentation to City Council; and,

(iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

6. That the Planning and Development Department proceed with a City Initiative within the Montgomery Creek Watershed area attached hereto as Appendix "G", from "A" (Conservation, Open Space, Park and Recreation) District to "B-2" (Suburban Residential, etc., and "R-4" (Small Lot Single Family Detached) fronting on Mud Street.

7. (a) That the Corporation of the City of Hamilton as expropriating authority, apply to the Council of The Corporation of the City of Hamilton as approving authority for approval to expropriate the following lands for walkway and other municipal purposes:

   (i) Part of Lot 14, Registrar's Compiled Plan 1391, having a frontage of 8.546 meters (28.04 feet) along the southern limit of King Street East, and a frontage of 6.621 meters (21.72 feet) along the northern limit of Main Street East, comprising an area of 647.1 square metres (6,965.16 square feet), as shown as Part 5 on Plan 62R-14129 (No. RB-H-578 Surveys), also known as part of municipal number 248 King Street East, Hamilton; and,

   (b) (i) That the City Solicitor be authorized and directed to initiate expropriation proceedings, and that the Manager of the Real Estate Division be authorized and directed to retain an independent fee appraiser to prepare an appraisal of market value; and,

   (ii) That the costs of the acquisition be charged to Account No. CF 5590 409755037 (Downtown Phase of the Ferguson Avenue Master Plan - Pedestrian/Bike Link - Land Acquisition); and,

   (c) That the City Clerk be authorized and directed, pursuant to The Expropriation Act, to:

   (i) Give Notice of the City's application to all owners, registered owners and tenants (as defined in The Expropriations Act) of the said land; and,

   (ii) Advertise the Notice of the City's application in a newspaper as required by The Expropriations Act; and,

   (iii) Sign and receive the said application for approval to expropriate.

8. That the Building Commissioner be authorized to deny a demolition permit until a building permit has been issued to replace the subject building at 272 Wellington Street North.

9. That approval be given to the revised east elevation plans dated 1997 May 6, attached hereto and marked as Appendix "H", as an amendment to the Heritage Permit for the Fearman House located at 90 Stinson Street, Hamilton, as adopted by City Council on 1997 March 25.

10. (a) That the Barton Village B.I.A. boundaries be expanded in a westerly direction to Ferguson Avenue and, in an easterly direction to Sherman Avenue North, incorporating the Westinghouse facilities as well as 139 Oak Avenue as per Appendix "I"; and,

(b) That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating By-law in accordance with Section 220 of the Municipal Act; and,

(c) That the Law Department be authorized and directed to prepare the necessary amending By-law; and,

(d) That in accordance with the Municipal Act, Section 220, Westinghouse Canada Inc.'s B.I.A. levy be based on one-third of its realty assessment for its facilities municipally known as 29 Princess Street, 286 Sanford Avenue North and 42 Westinghouse Avenue, since it will not receive as much benefit from the designation of the B.I.A. as do other businesses within the proposed expansion of the Barton Village B.I.A.; and,

(e) That in accordance with the Municipal Act, Section 220, sub-section (19), the City Clerk's Department be authorized and directed to give the requisite notice of the intent to pass a By-law reducing Westinghouse Canada Inc.'s property assessment by two-thirds for B.I.A. levy purposes; and,

(f) That the City Solicitor be authorized and directed to prepare the necessary By-law for (e) above.

11. (a) That Schedule "B" of By-law No. 97-54, appointing the Barton Village B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal
D. Tranor	Dell Pharmacy
N. LaSala	Nick's Auto Service
J. Howard	Econ-o-wash Laundry

(b) That the City Solicitor be directed to amend Schedule "B" of By-law No. 97-54 pursuant to (a) above.

12. (a) That Schedule 'B' of By-law No. 97-014, appointing the Main West Esplanade B.I.A. Board of Management, be repealed and the following names substituted:

K. Mullholland	Taco Bell
I. Kobylanski	Izzy's Restaurant
M. Farrugi	Calla Decor and Design
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
M. Barnard	Barnard & Speziale Design Associates Inc.
B. Hughs	Tim Horton's
M. Gunn	Mor Car Wash

(b) That the City Solicitor be authorized and directed to amend Schedule "B" of By-law No. 97-014, and replace it pursuant to (a) above.

13. That a loan under the Downtown Convert-Renovate-to-Rent Loan Program in the amount of twenty-four thousand dollars ($24,000) to Jacqueline Bradley for conversion of 37-39 King William Street into two residential units be approved, subject to the following:

(a) fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Rent Loan Program; and,

(b) approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan.

14. (a) That the funding allocation letter on the Residential Rehabilitation Assistance Program from Canada Mortgage and Housing Corporation for capital funding of $170,000 of which $164,000 is deemed to be forgivable, be received; and,

(b) That the supplemental agreement be executed.

15. (a) That the budget as outlined in Appendix "J" be approved for a Festival (Jazzing Up Barton Fest) to be held 1997 September 20; and,

(b) That the City Treasurer be authorized and directed to forward $8,149($9,779 - 20% holdback) for the Festival (Jazzing Up Barton Fest) to the Barton Street B.I.A.. The outstanding balance of $1,630 to be forwarded upon submission of a statement of account.

16. (a) That the budget as outlined in Appendix "K" be approved for a Festival (Barton Brush Over Project) to be held 1997 July 28-31; and,

(b) That the City Treasurer be authorized and directed to forward $180 ($215 - 20% holdback) for the Festival (Barton Brush Over Project) to the Barton Street B.I.A.. The outstanding balance of $35 to be forwarded upon submission of a statement of account. .

17. That the Building Commissioner be authorized to issue a demolition permit for 1471 Upper Sherman Avenue, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

18. That the Building Commissioner be authorized to issue a demolition permit for 35 Rymal Road West, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

19. That the Building Commissioner be authorized to issue a demolition permit for 488 King William Street, in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

20. That the Committee of Adjustment application fee of $250 for the church at 155 Gage Avenue North be refunded to the owners, Bethany Gospel Chapel.

21. (a) That approval be granted to application CDM-CONV-96-002 submitted by 977340 Ontario Ltd., owner, for a draft plan of condominium for property located at Nos. 1088-1120 Garth Street and 101-117 Bonaventure Drive to provide for a condominium comprised of 25, two-storey townhouse condominium units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated August 1, 1997 prepared by Ashenhurst Nouwens Ltd., Professional Engineers and O.L.S.; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan,

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan, and,

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(3) that the applicant/owner apply for and receive approval of an amendment to the site plan or an exemption to the satisfaction of the Director of the Planning and Development Department; and,

(4) the applicant/owner agrees to pay the Corporation of the City of Hamilton the cost of removing and replacing one 9 inch diameter Norway maple tree and one 11 inch diameter Red Oak tree presently located on municipal property, fronting on Bonaventure Drive. The cost for removal and replacement of both trees is $3,100; and,

(iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-96-001); and,

(v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required; and,

(b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,

(c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.

22. That the appropriate staff (eg. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-97-114, respecting property located at No. 665 Upper James Street (Wal Mart).

23. That City Council request the City Clerk to advise the Hamilton Region Conservation Authority that it supports the draft Spencer Creek Watershed Management Plan.

24. That approval be given to Site Plan Control Application DA-97-12 by Petro Canada, owner, of lands at 840 Upper James Street, as shown on the attached map marked as Appendix "L", for development of a third party/billboard, subject to the following:

    (a) modifications to plans in relation to notes, and dimensions, as marked in blue on the plans; and,

    (b) submission of a Landscape Plan to the satisfaction of the Director, Planning and Development Department.

25. (a) That the Chairperson of the Local Architectural Conservation Advisory Committee, or her designate, be authorized to attend either the Community Heritage Ontario Conference and Annual General Meeting in Victoria Harbour and Penetanguishene, Ontario, from 1997 September 26-28 or the Heritage Canada Conference in Ottawa, Ontario, from 1997 October 16-18; and,

    (b) That the Conference costs in the estimated amount of $500 be financed through the Legislative Travel Account No. CH 55201 10010.

26. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

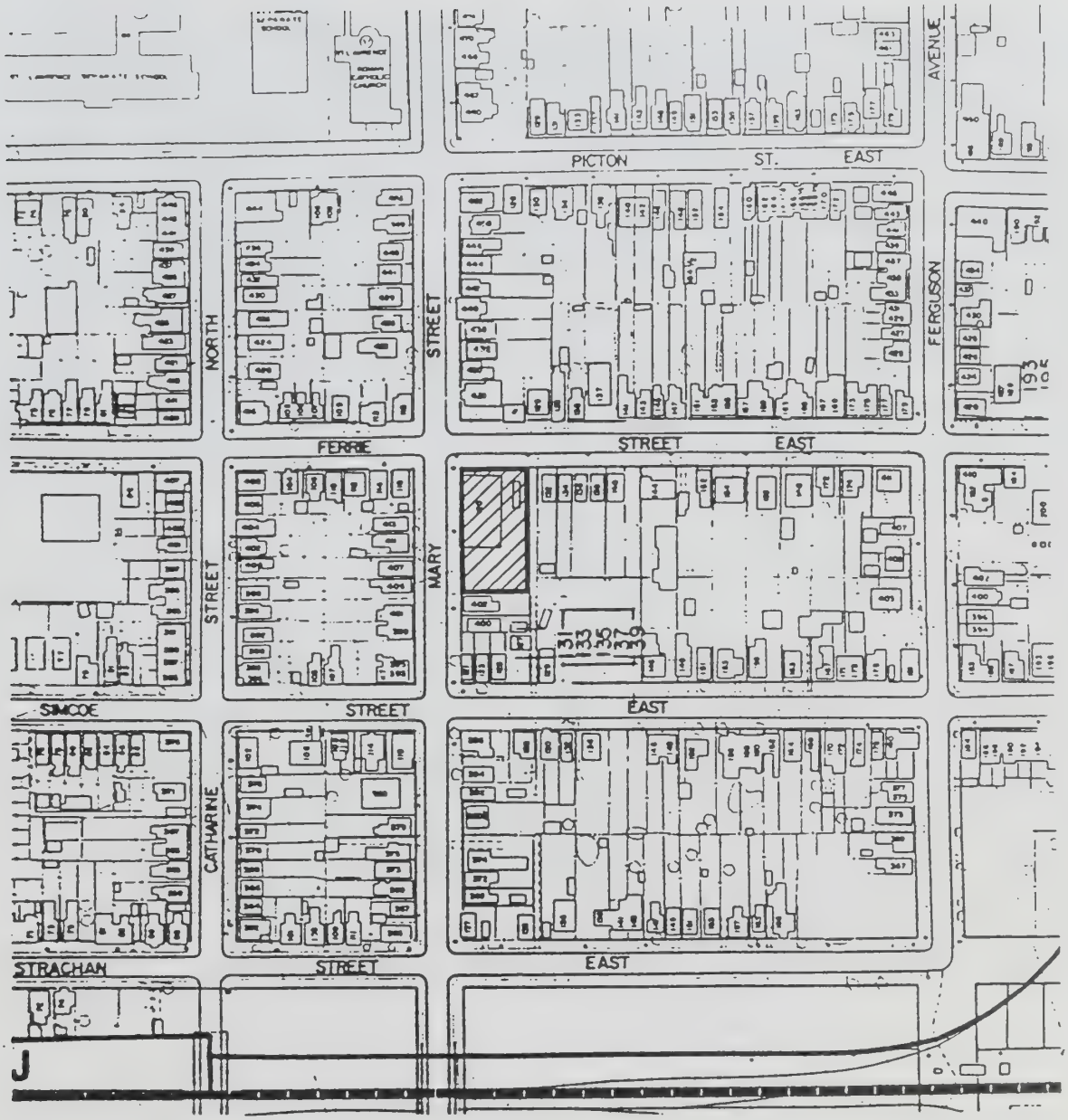
    (a) C-55 A By-law to Amend By-law No. 86-99 as Amended by By-laws No. 92-056 and 97-010 Respecting Members of the Board of Management of the Ottawa Street North Business Improvement Area.

    (b) C-56 A By-law to Amend Zoning By-law No. 6593 and to Repeal Zoning By-law No. 94-027 Respecting Land Located at Municipal No. 73 Garfield Avenue South.

Respectfully submitted,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT
COMMITTEE

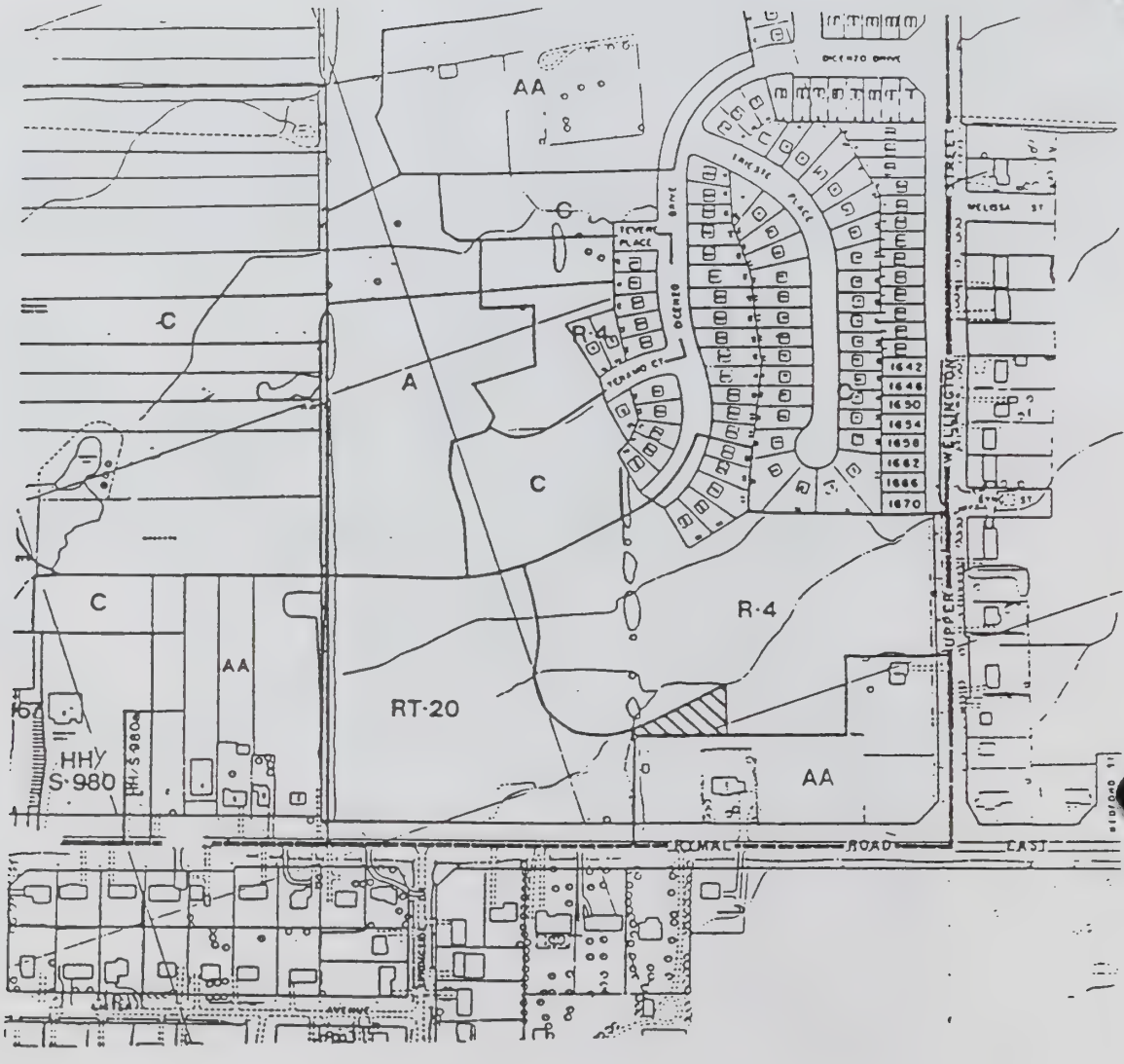
Tina Agnello, Secretary
1997 August 20



Legend

Site of the Application

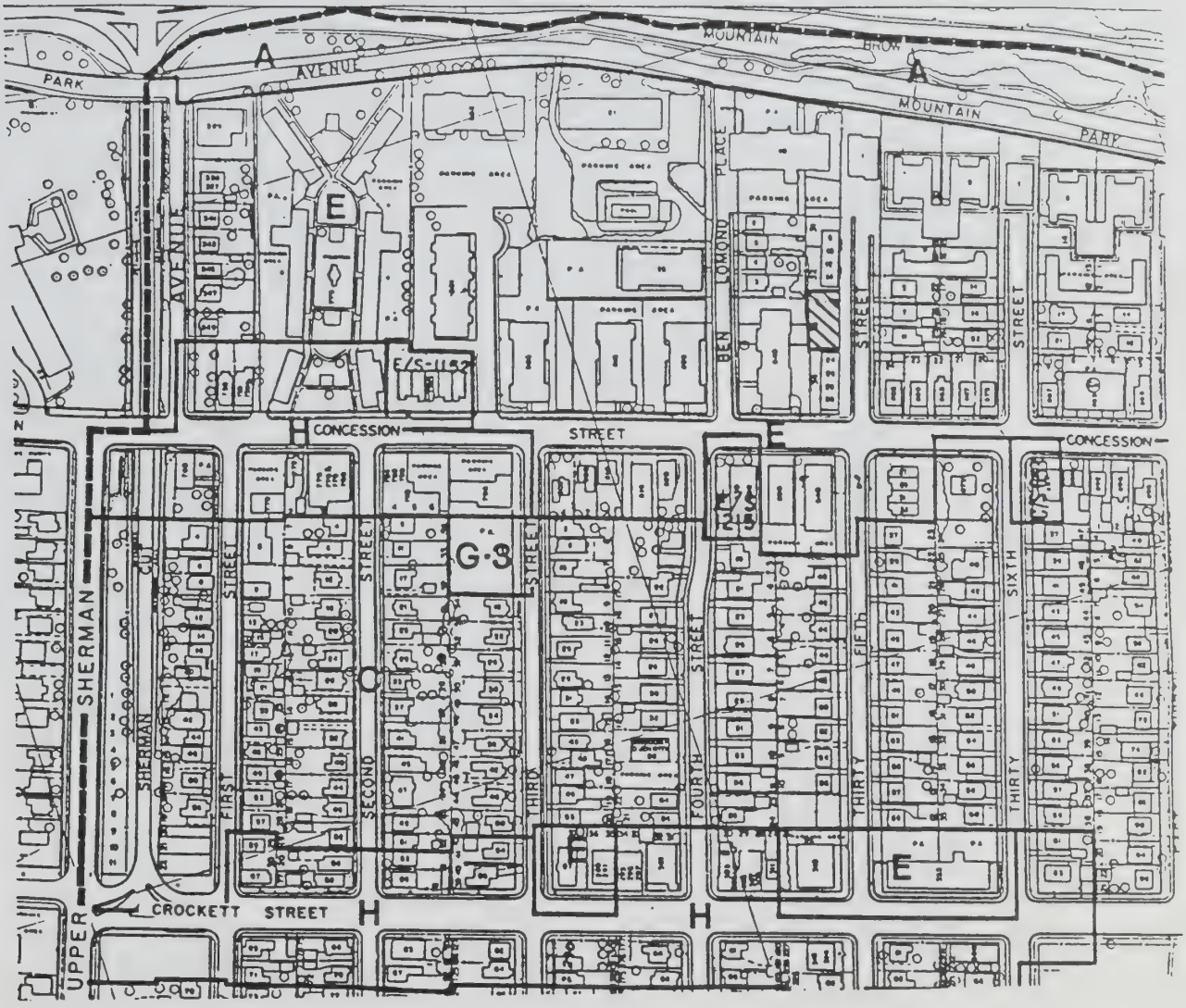
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ZAC–97–19	
Drawn By	Date
W. B.	May 1997
Scale	
NOT TO SCAL	
North	



Legend

Site of the Application

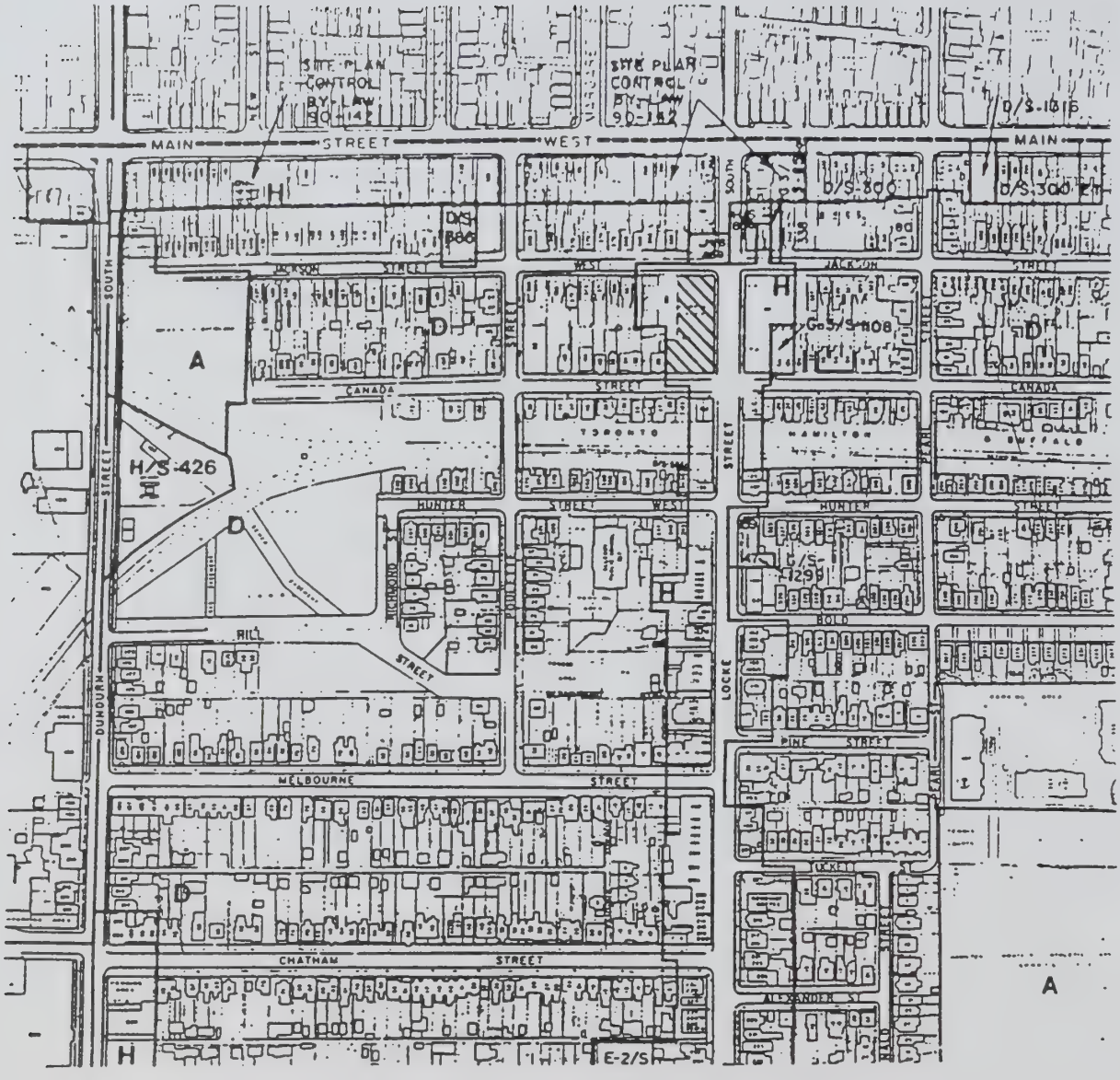
ZAC-97



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Site of the Application

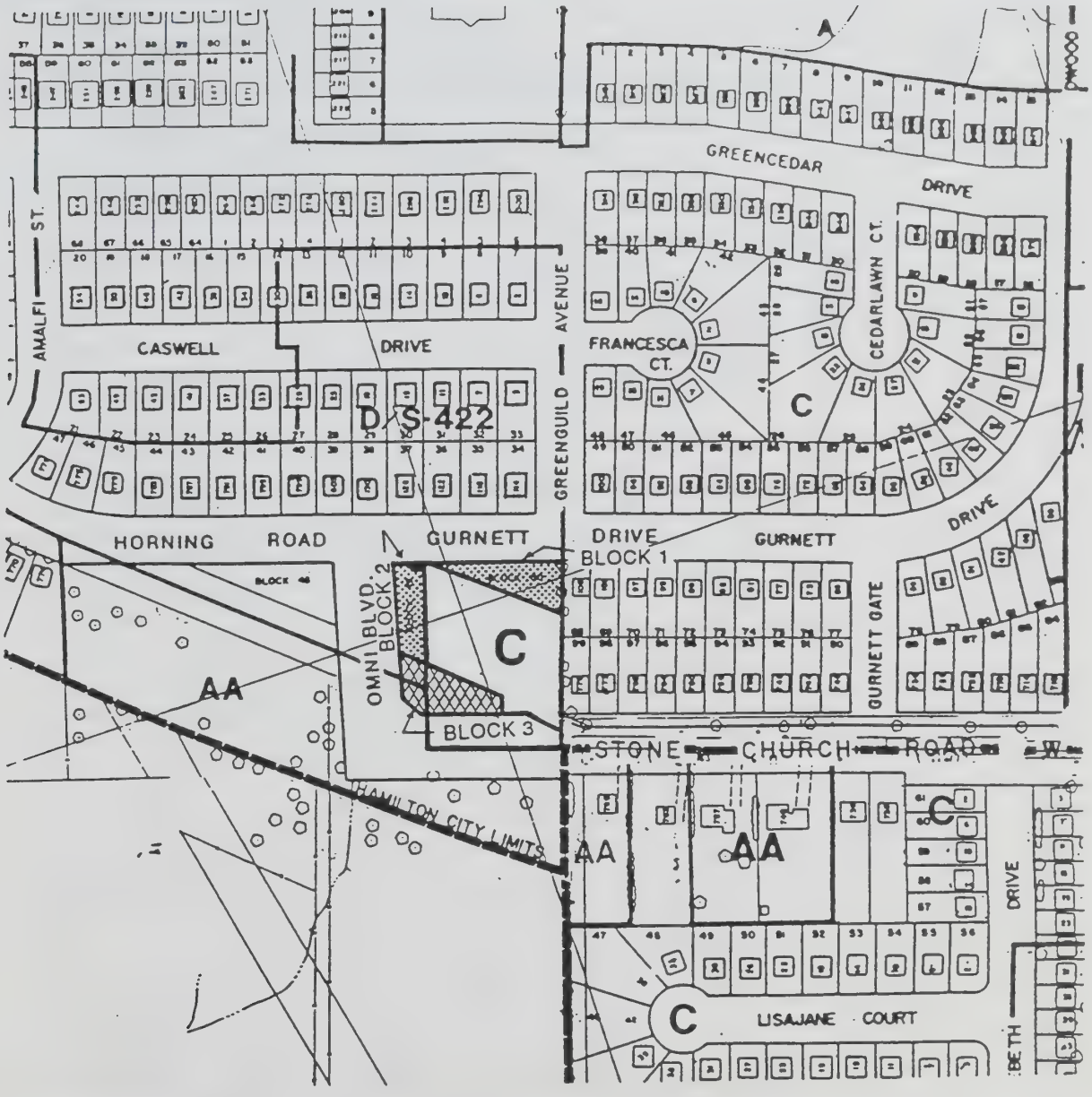
ZAC-97-13



Legend

Site of the Application

ZAC-97-04



Legend

Change in Zoning :

BLOCK 1 &2

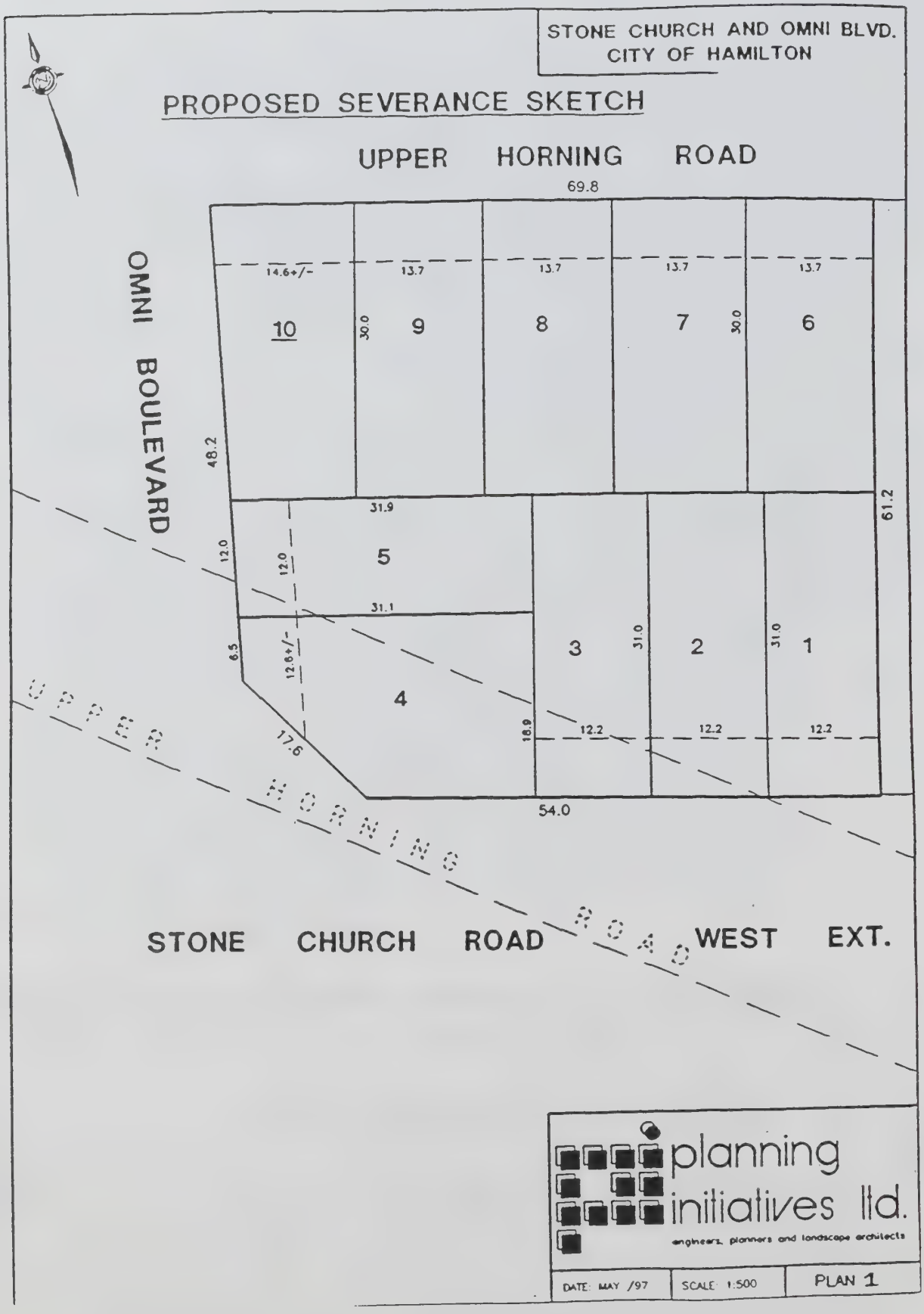
From "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified to "C" (Urban Protected Residential, etc.) District; and

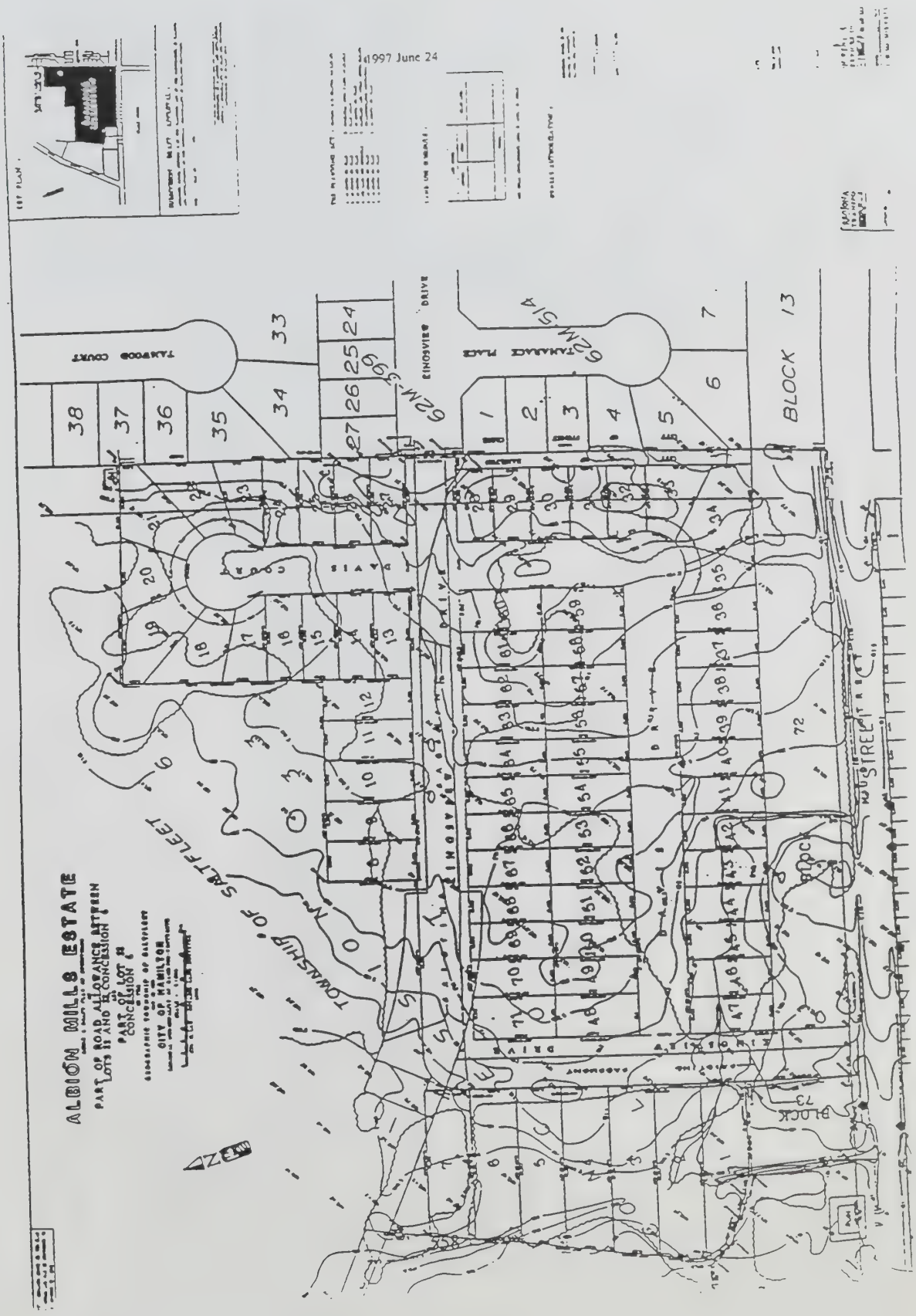
BLOCK 3

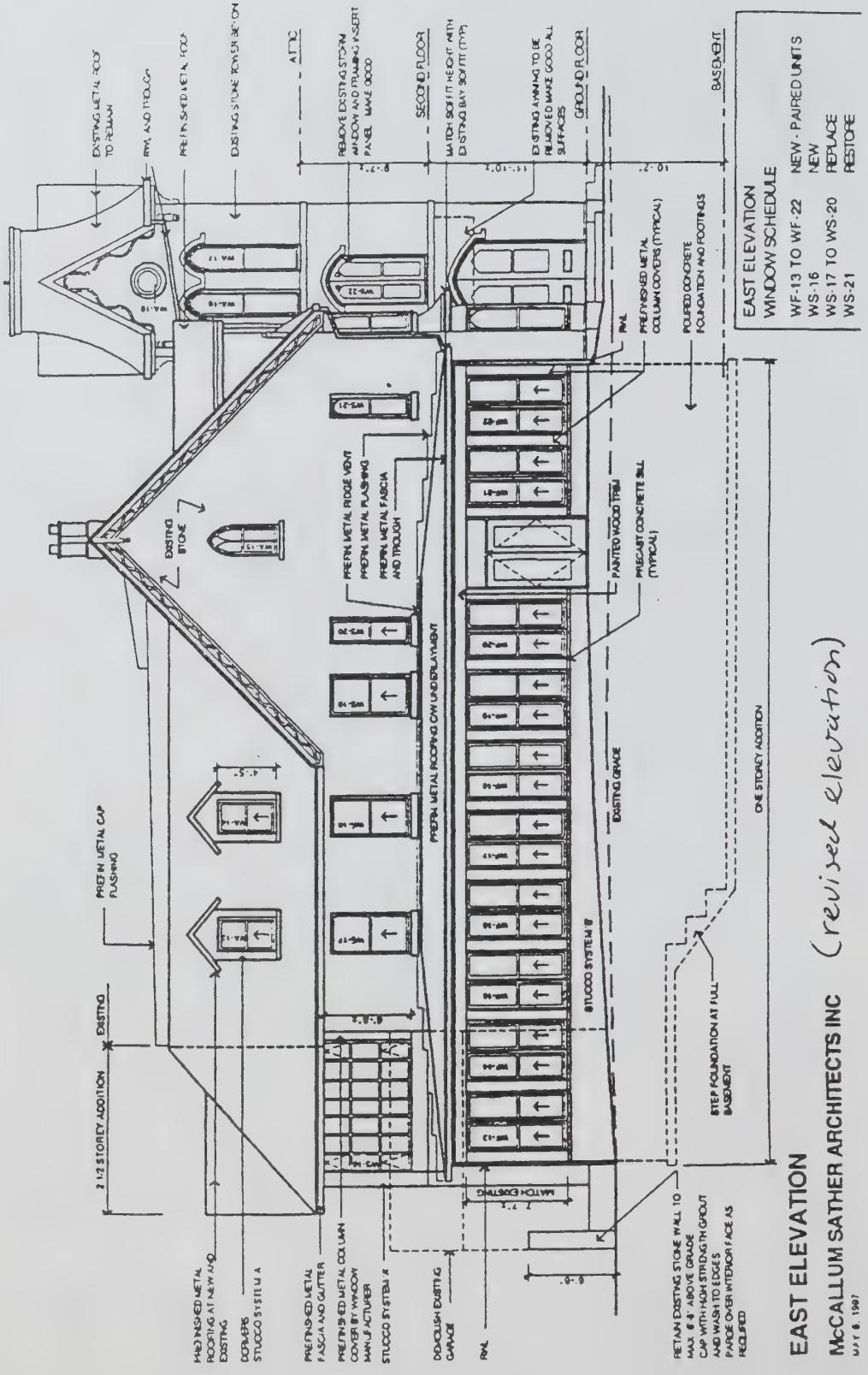
From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and

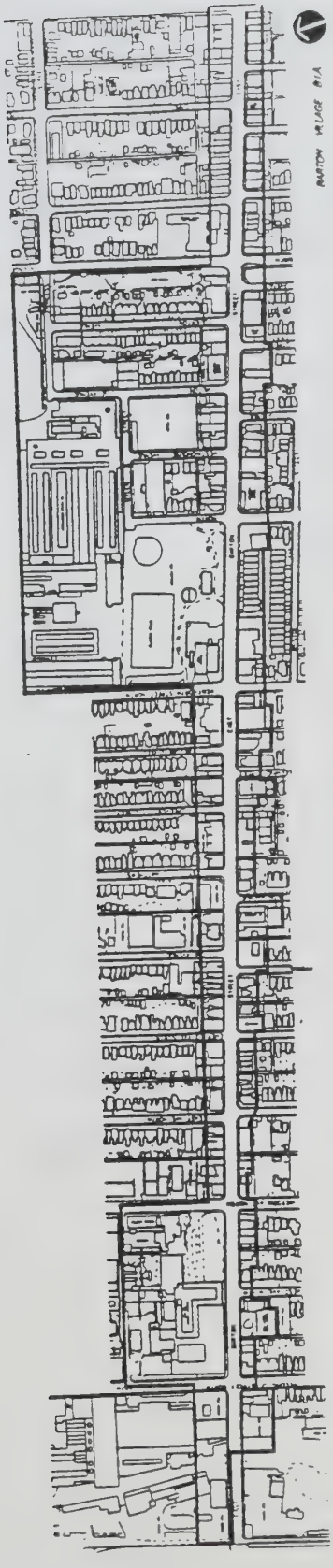
Reference File No.	
ZAC-97-21	
Drawn By	Date
W.B.	June 1997
Scale	
NOT TO SCALE	

North


STONE CHURCH AND OMNI BLVD.
CITY OF HAMILTON
PROPOSED SEVERANCE SKETCH
UPPER HORNING ROAD
OMNI BOULEVARD
69.8
14.6+/-
13.7
13.7
13.7
13.7
10
9
8
7
6
30.0
30.0
48.2
61.2
31.9
12.0
12.0
5
31.1
6.5
12.6+/-
4
3
2
1
31.0
31.0
18.9
12.2
12.2
12.2
54.0
UPPER HORNING ROAD
STONE CHURCH ROAD WEST EXT.
planning initiatives ltd.
engineers, planners and landscape architects
DATE: MAY /97
SCALE: 1:500
PLAN 1


1997 June 24
ALBION MILLS ESTATE
PART OF ROAD ALLOWANCE BETWEEN LOTS 11 AND 12 CONCESSION 1
PART OF LOT 11
CONCESSION 2
GEOGRAPHIC TOWNSHIP OF SALTFLEET
CITY OF HAMILTON
SALTFLEET
TOWNSHIP OF
TAKAMAGA PLACE
TAKAMAGA COURT
KINGSVIEW DRIVE
BLOCK 13
BLOCK 73
STREET
62M-694
62M-695


EAST ELEVATION
WINDOW SCHEDULE
WF-13 TO WF-22 NEW - PAIRED UNITS
WS-16 NEW
WS-17 TO WS-20 REPLACE
WS-21 RESTORE
ATTIC
SECOND FLOOR
GROUND FLOOR
BASEMENT
EXISTING
2 1/2 STOREY ADDITION
ONE STOREY ADDITION
EXISTING GRADE
STEP FOUNDATION AT FULL BASEMENT
EXISTING STONE
PREFIN METAL CAP FLASHING
PREFIN METAL RIDGE VENT
PREFIN METAL FLASHING
PREFIN METAL FASCIA AND TROUGH
PREFIN METAL ROOFING C/W UNDERLAYMENT
PAINTED WOOD TRIM
PRECAST CONCRETE SILL (TYPICAL)
PREFINISHED METAL COLUMN COVERS (TYPICAL)
POURED CONCRETE FOUNDATION AND FOOTINGS
STUCCO SYSTEM R
PAR
EAST ELEVATION
McCALLUM SATHER ARCHITECTS INC
(revised elevation)

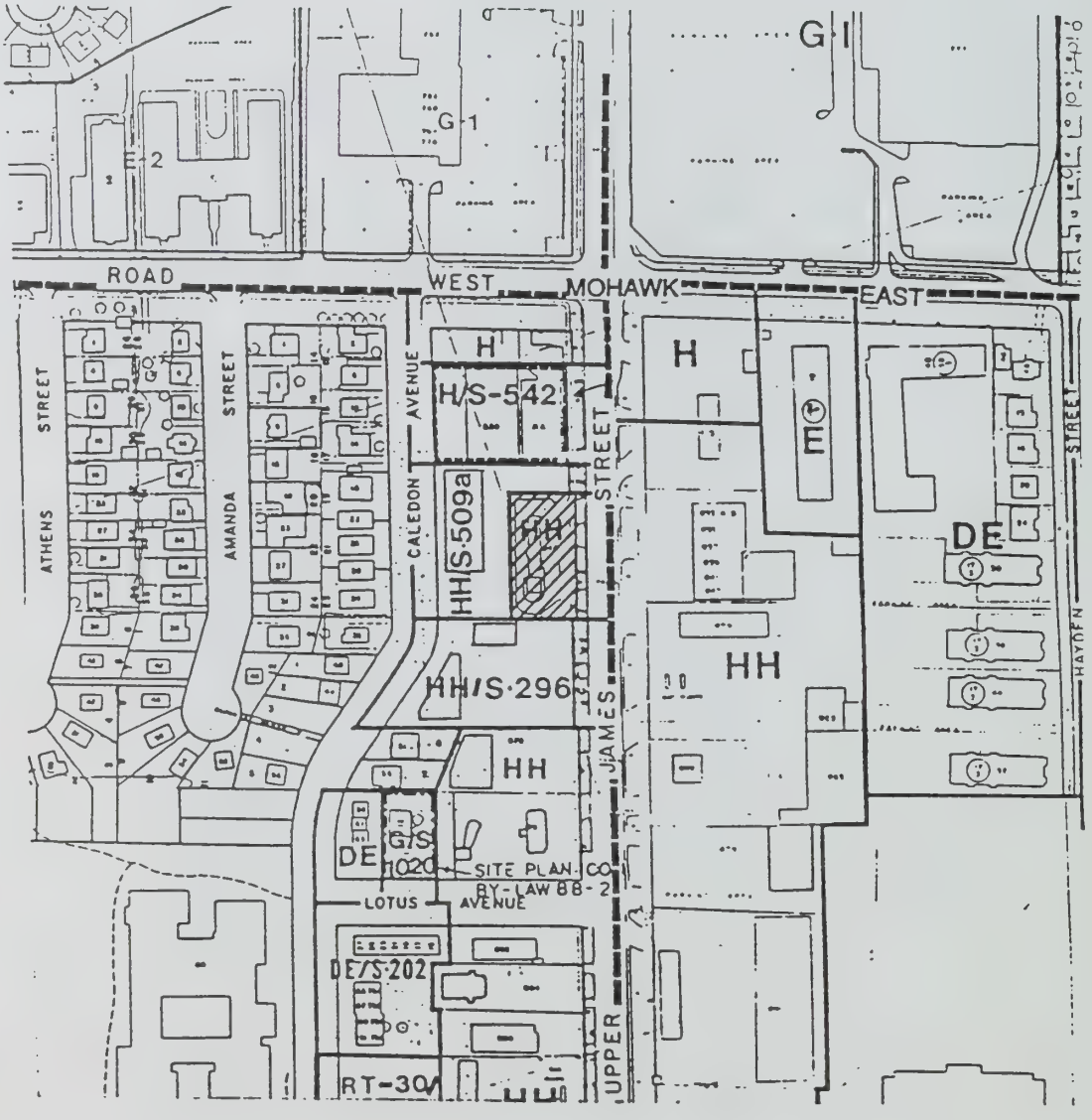


Jazzing Up Barton Fest

Calvin the Magician	$ 175.00
Absolutely Clowns	450.00
Pony Rides	400.00
Vasco Da Gamma Folk Dancers	100.00
Jude Johnson	350.00
Reggies Sound	600.00
T-Shirts Breakaway	700.00
Bounce with Us	120.00
Advertising Y-95	2,500.00
Advertising Admiral	150.00
Posters	600.00
Portable Toilets	300.00
Health Dept Permits	90.00
Classic Touch Children Stories	90.00
Parking Authority	100.00
Street Closure	399.00
Band #1 Dubay's	300.00
Band #2 Ronnie and the Rockets	350.00
Busker Larry McDonald	175.00
Police Officer	200.00
Contingency	$ 1,630.00
Total Festival Cost	$ 9,779.00

Barton Brush Over Project

Supplies	$ 83.00
Lunch Food	$ 80.00
Paint the Town Celebration	$ 37.00
Thank you Certificates	$ 15.00
Total	$ 215.00



City of Hamilton

Plan Showing Lands Subject to

Site Plan Control Application DA-97-12

Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	Not to Scale	DA-97-12
	Date	Drawn By
	APRIL 1997	P.A.

FINANCE and ADMINISTRATION COMMITTEE

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **NINETEENTH** Report for 1997 and respectfully recommends:

1. That a Task Force consisting of Aldermen Charters, Wilson and Collins and a representative from Regional Council be established to work with staff to bring back a recommendation to the Finance and Administration Committee respecting 1997 Base Budget Reductions for the Information Systems Department and the Human Resources Department.

2. That the City reimburse the Hamilton Professional Fire Fighters Association in the amount of $1,265.42 for fees paid to Stanley Simpson, Solicitor, who represented a Firefighter charged with a traffic violation in 1994, which charge was subsequently dismissed, and that such payment be charged to Unclassified Account CH 55195-24201.

3. (a) That the City disburse the funds received from the Jockey Club Tavern Ltd., in part payment of its obligations pursuant to settlement arrangements in Ontario Court (General Division) Action #2353/86; and Court of Appeal File # C16095 as follows:

   (i) To the City of Hamilton in recovery of legal expenses, $18,546.96 (to be credited to Account CH55425 44001); and,

   (ii) To the Ottawa Street B.I.A. $44,342.16; and,

   (b) That the City Solicitor investigate the prospects for making recovery of the balance due under the settlement from one or more responsible parties.

4. (a) That the City resolve Ontario Court (General Division) Action #10067/95 by the payment to the Plaintiffs, Brock Peavoy, Velvet Peavoy and David Jenkins of the sum of $3,500, inclusive of all claims for damages, interest and costs; and,

(b) That the adult Plaintiffs be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

(c) That the Plaintiffs be required to obtain the appropriate Court approval of the infant portion of the settlement and that the balance of the action be dismissed as against the City without costs.

5. (a) That the City resolve Ontario Court (General Division) Small Claims Court Action No. 8515/96 by the payment to the Plaintiff, John Randazzo, of the sum of $150, inclusive of all damages, interest and costs; and,

(b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

(c) That Ontario Court (General Division) Small Claims Court Action No. 8515/96 and any cross-claim or counter-claim be dismissed without costs.

6. (a) That an Option to Purchase, executed by Helen Barron on 1997 July 30 and scheduled to close on or before 1997 November 12, for lands situated in the City of Hamilton, being composed of Lot 420, Registered Plan 584, with a frontage of 7.62 metres (25 feet) more or less, by a depth of 30.48 metres (100 feet) more or less, including a mutual driveway (northerly 4 feet and 8 inches to a depth of 82 feet) municipally known as 555 Kenilworth Avenue North, be approved and completed for the purchase price of $69,000; and,

(b) That as consideration in the amount of $2 has been paid to the owner pursuant to the Option to Purchase document, this amount be deducted from the purchase price; and,

(c) That the Manager of Real Estate be authorized to proceed with the demolition of the existing single family dwelling at 555 Kenilworth Avenue North at a cost not to exceed $8,000 once vacant possession has been received; and,

(d) That this property purchase be financed from the Reserve for Alpha Enclaves, Account Centre No. CH00116; and,

(e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents.

7. (a) (i) That an Option to Purchase, to be executed on or before 1997 August 19 by Theatre Aquarius Incorporated (Max Reimer, Managing Artistic Director) and scheduled to close on or before 1997 September 30, for lands situated in the City of Hamilton, being composed of Parts 1, 2 and 3, Plan 62R-14190, being an irregular shaped parcel of land with a frontage of 28.109 metres (92.22 feet), more or less, on King William Street, and comprising an area of 0.137 hectares (14,746 square feet), more or less, subject to a vehicular right-of-way to be reserved in favour of the Vendor over Parts 2 and 3, Plan 62R-14190, municipally known as part of 190 King William Street, be approved and completed, and the purchase price of $1 be credited to Account Number CH 5X326 00102 (Reserve for Property Purchases); and,

(ii) That it is understood and agreed:

(1) The Vendor and the Purchaser agree to execute a Surrender of Lease relating to the lease agreement and renewal thereto between the parties dated 1993 January 29 and 1995 November 15 respectively (collectively called the "lease"). It is acknowledged and agreed that such Surrender of Lease shall take effect on the closing of the herein transaction. The Vendor understands and agrees that such Surrender will result in the loss of any and all parking rights which may have been reserved to the Vendor; and,

(2) Theatre Aquarius Incorporated will provide prior to closing written consent from the Commissioner of Finance of the Regional Municipality of Hamilton-Wentworth to the sale of the herein lands as required by the Operating Agreement dated 1996 November 1 between Theatre Aquarius Incorporated and The Regional Municipality of Hamilton-Wentworth; and,

(3) The closing of this Option to Purchase is conditional upon The Corporation of the City of Hamilton accepting an Offer to Purchase executed by Municipal Non-Profit (Hamilton) Housing Corporation for the purchase of the lands shown as Parts 1, 2 and 3 on Plan 62R-14190. The said Offer to Purchase and this Option to Purchase are to be accepted by City Council concurrently and both properties are to be finalized contemporaneously with each other; and,

(iii) That the Mayor and City Clerk be authorized and directed to execute all such documents required to effect such Surrender of Lease as may be required by the City Solicitor; and,

(b) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law 95-049:

"lands situated in the City of Hamilton, being composed of Parts 1, 2 and 3, Plan 62R-14190, being an irregular shaped parcel of land with a frontage of 28.109 metres (92.22 feet), more or less, on King William Street, and comprising an area of 0.137 hectares (14,746 square feet), more or less, subject to a vehicular right-of-way to be reserved in favour of the Vendor over Parts 2 and 3, Plan 62R-14190, municipally known as part of 190 King William Street"; and,

(c) (i) That an Offer to Purchase, to be executed on or before 1997 August 19 by Municipal Non-Profit Hamilton (Housing) Corporation (Mark Mascarenhas, General Manager and Alderman Robert Charters, President) and scheduled to close on or before 1997 September 30, for lands situated in the City of Hamilton, being composed Parts 1, 2 and 3, Plan 62R-14190, being an irregular shaped parcel of land with a frontage of 28.109 metres (92.22 feet), more or less, on King William Street, comprising an area of 0.137 hectares (14,746 square feet), more or less, subject to a vehicular right-of-way to be reserved in favour of Theatre Aquarius Incorporated over Parts 2 and 3, Plan 62R-14190, municipally known as part of 190 King William Street, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $177,928 be credited to Account Number CH 14001 00001 (Realty Taxes Receivable); and,

(ii) That it is understood and agreed that the purchase price herein shall, on closing, be applied by the City Treasurer to the outstanding realty taxes, interest, and penalty owed in respect of the herein lands and adjacent lands owned by Theatre Aquarius Incorporated; and,

(iii) That it is understood and agreed that this Option to Purchase and Sale resulting from the acceptance thereof is condition until closing upon the following:

(1) The Purchaser entering into a parking lot operating agreement with The Corporation of the City of Hamilton (Parking Authority for the City of Hamilton) on terms satisfactory to the parties which will provide that the Parking Authority will be the parking lot operator until such time as a building permit is issued for construction on all or part of the subject land; and,

(2) The Municipal Non-Profit (Hamilton) Housing Corporation agrees to pay all registration costs, land transfer tax costs, and other tax or cost implications incurred by the City of Hamilton in connection with the herein transaction and the Option to Purchase of the lands with Theatre Aquarius Incorporated; and,

(3) The closing of this Offer to Purchase is subject to the City of Hamilton accepting and completing an Option to Purchase executed by Theatre Aquarius Incorporated for the purchase of the lands shown as Parts 1, 2 and 3 on Plan 62R-14190. The said Option to Purchase and this Offer to Purchase are to be accepted by City Council concurrently and both properties are to be finalized contemporaneously with each other; and,

(iv) The Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor; and,

(v) That in accordance with the Real Property Sales Procedural By-Law No. 95-049:

(1) Satisfactory notice has been given to the public of the intended sale; and,

(2) An appraisal of the fair market value of the real property being sold was obtained on 1997 March 25 and received on 1997 August 19; and,

(3) The City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed to Section 193 of the Municipal Act.

8. (a) That Telecom Computer, Burlington be the designated supplier for Hewlett Packard printers for the months of 1997 September, October and November, as submitting the lowest quote ($58,593) of nine (9) proposals received in accordance with specifications issued by the Purchasing Department and Vendor's proposal of 1997 May 26th; and,

(b) That funding be provided from Account # CH56605-26032 (Rent-Computer Equipment).

9. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

84 Hildegard Dr.	529 Concession St.
1527 Upper Ottawa St. #13	1527 Upper Ottawa St. #12
803 Cannon St. E.	18 San Fernando Dr.
607 Eaglewood Dr.	531 Upper Wentworth
869 Queensdale Ave E.	51 Queenston Rd.
140 Beach Rd.	154 Sanford Ave. N.
382 Sherman Ave N.	1630 Upper Gage Ave.
9 Head St.	84 Burlington St W.
1304 Upper Gage Ave.	132 Ottawa St. S.
141 Balsam Ave. S.	21 Severn St.
191 Sherman Ave N.	65 Magill St.
145 Emerald St. S.	261 Holton Ave S.
332 Gage Ave. N.	560 King St. W.
11 Strathcona Ave. N.	

(b) That the by-law to authorize the said Extension Agreements be enacted by Council; and,

(c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.

10. That the City exercise its option and that authorization be given to establish an open order with Drew Chemical Limited of Aurora, Ontario for 1998, 1999, 2000 in the amount of approximately $75,000 per year for the supply of water treatment chemicals for City Hall, Central Utilities Plant, Hamilton Public Library/Market, and Copps Coliseum. This being the only proposal received by the Purchasing Division reference # C14-15-95.

11. (a) That after hearing the evidence and submission of the complainants, Humana House and the Good Shepherd Non-Profit Housing Corporation Inc, the Council of the City of Hamilton hereby confirms the development charges imposed on the property at 100 Locke Street South as being properly imposed pursuant to City of Hamilton Development Charges By-law 95-176; and,

(b) That the City of Hamilton provide a grant in lieu of the City's portion of the outstanding realty taxes on 100 Locke Street South to the Good Shepherd Non-Profit Housing Corporation Inc., subject to the following conditions:

(i) That the Region of Hamilton-Wentworth agree to write-off the Region's portion of the outstanding taxes; and,

(ii) That the Hamilton Board of Education agree to write-off the Board's portion of the outstanding taxes; and,

(iii) That the grant not be released for payment of the taxes until the existing mortgage on title is discharged; and,

(c) That the City Clerk be authorized and directed to send a formal request to both the Region and the Hamilton Board of Education requesting them to consider forgiveness of their respective portions of the outstanding realty taxes; and,

(d) That the City Treasurer be authorized and directed to recommend a method of financing for the City's portion of the taxes.

12. That the City of Hamilton reaffirm its participation in the United Way by participating in the Loaned Representative Program by providing a City employee to work on a full time basis on the annual fund raising campaign.

13. (a) That "American Communities Partnership" be retained to co-ordinate and facilitate a Downtown Vision Workshop and undertake all necessary background research for the Workshop at a cost of $10,000 (Canadian); and,

(b) That the cost of $10,000 be charged to the Downtown Hamilton Partnership, Account No. CF5698-119755029.

14. That as referred to in Section 44 of the Ninth Report for 1997 of the Transport and Environment Committee respecting the identified shortfall in the 1997 Road and Sidewalk Improvement Programme in the estimated amount of $580,000, that funding be financed as follows:

(a) $168,000 from the Downtown Improvement Project Account No. CF 5200-609755033 (Downtown Hamilton Improvement Plan); and,

(b) $412,000 from any 1997 Year End Surplus available.

15. That the cost to finance the expenditures related to the Culture and Recreation Department's Coach House Restaurant operations estimated at $218,200 be financed as an approved overdraft within the Culture and Recreation Department.

16. (a) That the City Treasurer be authorized to commence a process of evaluating alternatives for replacing the existing financial and human resource systems for the City; and,

(b) That the purchasing policy and process used for hiring consultants, attached herewith and marked Appendix "A", be followed for the selection process; and,

(c) That a full report on the evaluation, recommended solution, cost and funding be forwarded to the Finance & Adminstration Committee for approval; and,

(d) That an amount of $50,000 be allocated, from the existing funding for Project Management - Tax System, to this project for staffing and/or consultants during the initial selection period; and,

(e) That this project be undertaken jointly with the Region of Hamilton-Wentworth.

17. That the City of Hamilton's Business Tax Collection Procedures be revised to provide for the assignment of Outstanding Business Tax Accounts in excess of $2,000 to the Bailiffs, for which immediate collection action is required.

18. That as referred to in Section 1 of the Tenth Report for 1997 of the Committee of the Whole, the boarding up of 127 Burton Avenue, at a cost not to exceed $4,200, be financed from the Unclassified Expenditures Account # CH55134-24201.

19. That as referred to in Section 4 of the Ninth Report for 1997 of the Transport and Environment Committee, the City's share, of $155,800 for the proposed widening of Centennial Parkway at Arrowsmith Road and construction of a traffic turning circle on Cascade Street in conjunction with the Home Depot development, be financed from the Account Centre No. 00107 Reserve for Services through Unsubdivided Lands.

20. (a) That, pursuant to the Municipal Election Act, 1996, approval be given to the City Clerk to submit the following question to the electors on the ballot for the 1997, November Municipal Election:

"Do you agree to a provincially run Casino in the City of Hamilton?"; and,

(b) That, pursuant to the Municipal Election Act, 1996, approval be given to the City Clerk to conduct advanced voting for the 1997 Municipal Elections between the hours of 10:00 o'clock a.m. and 8:00 o'clock p.m. on Saturday, 1997 November 1 and Wednesday, 1997 November 5; and,

(c) That the appropriate By-law be enacted by City Council.

21. That the staffing complement in the Department of Public Works and Traffic - Parks Maintenance Section be adjusted by deleting 1 F.T.E. Sports Groundskeeper 11 and that the staffing complement in the Department of Public Works and Traffic, Parks Maintenance Section, be adjusted by adding 1 F.T.E. Tractor Operator.

	Delete	Add
Sports Groundskeeper 11	1	
Tractor Operator		1
	1	1

Total change in complement: NIL

22. That a purchase order be issued to Hamilton Truck Service, Hamilton, in the amount of $156,807.10 including all applicable taxes, for the replacement of one (1) Salt and Sand Spreader complete with front two-way plow unit #9676 for Fleet Services, being the lowest tender received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CF5532 649751023.

23. That a purchase order be issued to London Machinery, London, in the amount of $77,737.70 including all applicable taxes, for the purchase of two (2) Hopper/Sanders with underslung plows complete with installation for the maintenance of the Lincoln M. Alexander Parkway, Fleet Services, being the lowest tender received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Regional Roads Capital Budget, Project Centre 3011732, Purchase of Vehicles/Equipment.

24. That a purchase order be issued to Hamilton Truck Service, Hamilton, in the amount of $313,614.20 including all applicable taxes, for the purchase of two (2) Salt and Sand Spreaders complete with front two-way plows for the maintenance of the Lincoln M. Alexander Parkway, Fleet Services, being the lowest tender received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Regional Roads Capital Budget, Project Centre 3011732, Purchase of Vehicles/Equipment.

25. That the City's policy respecting a refund of the 5% land dedication fee for the development of detached single family dwellings approved by City Council on 1996 July 9th for a one year period be extended specifically to apply to the property at 771 Limeridge Road East until 1998 February 10th.

26. That the Building Commissioner be authorized and directed to refund to the applicant, Valery Construction Limited, the equivalent to the 5% land dedication collected by the City of Hamilton under Section 51.1 and 53 of The Planning Act for Lots 1 - 14 in Ridgeview Estates Phase 3 in the amount of $16,100.

27. (a) That the natural gas Agency Agreement between the City of Hamilton and Union Gas Limited be revised to reflect a change from the current Western Buy/Sell Agreement to a Bundled Transportation (Bundled-T) Service Agreement effective 1997 November 1 at no additional cost to the City; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the revised natural gas Agency Agreement between the City and Union Gas Limited in a form satisfactory to the City Solicitor; and,

(c) That the City's current supplier of natural gas, Engage Energy Canada L.P., be paid a fee of $0.025/gigajoule (approximately $6,000 per year) beginning 1997 November 1 until the end of the existing term in 1999 October 31 for Energy Management Services to assist the City in managing its natural gas procurement, with said cost to be accounted for within existing energy budgets.

28. That By-law No. 85-148 on the Control and Licensing of Dogs be amended to require dogs that are suspected of biting a person or other animal to wear a muzzle.

29. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) D-47 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.

(b) D-48 A By-law Respecting: Municipal Election Matters.

(c) D-49 A By-law to Amend: By-law No. 85-148 Respecting: The Control and Licensing of Dogs.

(d) D-50 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

Susan K. Reeder
Secretary
1997 August 19

Appendix "A" referred to in Section 16 of the Nineteenth Report of the Finance and Administration Committee for 1997

Process for Selection of Corporate Financial and Human Resource Software

Phase I

1. Invite known vendors (see list below) to make presentations to demonstrate their systems and how they will meet the pre-defined set of functional and technical needs. Advertisements will be placed, in the Globe and Mail, The Spectator, and the City Web page on the internet, to solicit any other vendors not listed.

2. Conduct an in-depth analysis to determine a short list of, a minimum of 2 and a maximum of 5, vendors to move on to Phase II of the evaluation.

Phase II

1. Request detailed costs, from each short-listed vendor, providing a menu of options ranging from base costs to providing a fully implemented system on a turnkey basis.

2. Provide on-site testing of their system on the City network.

3. Provide a reference of one site where their system has been implemented for the purpose of a site visit.

4. Develop a business case for preferred option and make recommendation to F&A Committee and Council

List of Vendors:

- GEAC (Software Current vendor)
- J.D.Edwards & Co
- Baan
- SAP
- Oracle
- Peoplesoft
- Systems Union Inc. (Sun Systems)

PHASE I CRITERIA

Evaluation

In order to facilitate the software selection, an evaluation team consisting of internal staff from the City and Region will be assigned to carry out an evaluation of each vendor's software offering.

Evaluation Criteria

i. **Functional Reporting**

Emphasis will be on determining how the software meets the City's and Region's immediate requirements. These requirements include:

(1) General Ledger
(2) Budget
(3) Accounts Payable
(4) Purchasing
(5) Payroll
(6) Human Resources

(Detailed and specific requirements will be prepared under separate cover)

ii. **Management Reporting**

Emphasis will be given to the software's ability to facilitate the following business functions:

(a) **Analytical processing** - drill down capability for analysis and reporting are powerful management tools. Ability to provide financial and performance measurement data for what-if analysis, graphical output and interactive access are all critical to today's managers.

(b) **Work-flow integration** - Provides productivity and communications enhancement opportunities by streamlining work-flows across various systems.

(c) **Activity Based Costing** - Ability to accumulate costs on a pre-determined unit of measure for an activity or program.

(d) **Performance measurement** - Today's management reporting systems must provide the ability for the accumulation of not only financial data but also units of measurement for the services provided. Provincial reporting requirements are changing to require reporting on pre-determined performance measures.

(~~e~~) **Flexible Reporting** - New management Support systems must be flexible enough to allow for defining how and where resources are utilized and services delivered. Specifying the output measures, like number of kilometres of road maintained or side-walk repaired, are now becoming mandatory requirements for all new systems

(f) **Budget preparation** - The budget preparation process is no longer a simple number crunching process. Increasing costs , through down-loading, and zero percent increases require managers to have an interactive budget process to be able to create scenarios and perform "what-if"type analysis. Integration with data from other systems like payroll and Human Resources are critical to the whole budget preparation process.

iii. **21st Century Sustainability**

Functional requirements are usually developed on the basis of past needs. Ability to meet the needs of the past is no longer the only criteria for selecting software. Systems that provide future functionality must be given credit for forethought and cost savings built into the business case. Systems that provide, for example, internet readiness or EDI (electronic data exchange) should be considered as key factors to being able to meet the changing environment demands without additional costs for upgrading. Vendor viability, cost of ownership and support are also important criteria for the future viability of the chosen software. Attention will be given to the vendors financial strength, market focus, customer satisfaction, R&D investment and product strategy.

iv. **Technical**

- "IEEE" 802.3 Network (ethernet), with TCP/IP protocols
- Clients must have WIN95 or WINNT
- Server WINNT server
- System must run onINTEL or INTEL and ALPHA Server
- Preferred database is Microsoft SQL Server

v. **Overall**

Overall attention will be paid to the software's robustness, reliability, internal security control and responsiveness. Consideration will be given to things such as ease of navigation, quality of help available, and look-up capabilities. It is important that at a minimum there be on-line inquiry access to information and on-line requisition entry. In order to facilitate our implementation strategy the software should be available in combination of character base, GUI, and client server modes.

PHASE II CRITERIA

TOTAL SYSTEM COST

A. Total System Cost must include at least the following:

- One-time licensing cost of the following:
  - (i) General Ledger
  - (ii) Budget
  - (iii) Accounts Payable
  - (iv) Purchasing
  - (v) Payroll
  - (vi) Human Resource
  - (vii) Maintenance Management (Activity Based Costing)
  - (viii) Accounts Receivable
- Consulting/integration implementation services
- Any network upgrades, hardware (Servers, Cards, etc) or software necessary to permit the application software to run successfully with pre-determined response times
- On-going annual Maintenance Costs
- Internal staffing requirements for:
  - Implementation and Conversion
  - Ongoing System Maintenance
- Other related costs

Alternate cost must be provided for turnkey (complete package implemented and converted). If there is a consortium submission involving more than one vendor in partnership, one of the vendors must be selected as official respondent for the purpose of submission and primary contact/communication during evaluation process.

B. Each vendor has three weeks to prepare a test environment that will facilitate the City/Region's testing of their software. The testing can be done at the City/Region headquarters (preferred), or at the vendor's site within the Greater Toronto Area. The test environment should include:

- Deliverable software installed and configured on a test hardware platform;
- A configured database loaded with data derived from our specifications;
- Sufficient support staff to assist staff to carry out the testing;
- Sufficient training of the staff to carry out testing;
- Documentation.

NOMINATING COMMITTEE

REPORT OF THE NOMINATING COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Nominating Committee presents its **FIFTH** Report for 1997 and respectfully recommends:

1. That Alderman _____ be appointed Chairman of the Committee of the Whole for the period of September, October and November, 1997.

RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW
CHAIRMAN,
NOMINATING COMMITTEE

S. G. Hollowell, Secretary
1997 August 26

NOTICES OF MOTION

FROM PREVIOUS MEETING

NOTICE OF MOTION

June 24, 1997 - postponed
July 8, 1997 - postponed

Alderman D. Ross gave notice that he would move at the next regular meeting of City Council the following:

WHEREAS the population of the Province of Quebec voted against separating from Canada, both in 1980 and in 1995; and

WHEREAS the current government of Quebec has repeatedly reiterated its desire to hold yet another referendum on Quebec separation; and

WHEREAS there are many loyal Canadians in Quebec who, via resolutions of their local city councils, have declared that it is their wish to remain part of Canada, irrespective of any future referendum result; and

WHEREAS those city councils have requested the support of Canadians outside Quebec in their effort to remain Canadian.

Be it resolved ***THAT*** the City of Hamilton supports the initiative of those municipalities in Quebec who have declared their intention to remain part of Canada irrespective of any future province wide vote for separation.

THAT the City of Hamilton demands that the government of Canada and the government of Québec clearly and unequivocally state that they support the right of federalist municipalities and regions within Quebec to remain part of Canada, today and in the future, in accordance with the legal, moral, political, constitutional, and territorial obligations of our nation.

THAT copies of this resolution be forwarded to the Prime Minister of Canada, the members of Parliament from Ontario and Québec, the members of the Provincial legislature, the Premier of Ontario, the union of Ontario municipalities, all Ontario municipalities, the Federation of Montreal Urban Community, and all municipalities on the Island of Montreal and all Provincial Municipal Associations.

NOTICE OF MOTION

Alderman M. Kiss gave notice that she would move at the next regular meeting of City Council the following:

That the Medical Officer of Health be directed to initiate immediate health assessments of affected residents in the area of the Plastimet Fire and that further assessments of these residents continue for a period of several years to determine the long term health affects of contaminants from the fire.

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

TUESDAY, 1997 AUGUST 26
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL

BILLS

Bill No. A- 51

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 16, PLAN 62R-11054
INTO FIELDWAY DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Fieldway Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Fieldway Drive.

   Part of Lot 11, Concession 6 in the geographic township of Barton designated as Part 16 on Plan 62R-11054.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A-52

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 2 ON PLAN 62R-14168
INTO APPLEBLOSSOM DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Appleblossom Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Appleblossom Drive.

   Part of Lot 40, Registered Plan 823 designated as Part 2 on Plan 62R-14168.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 3 ON PLAN 62R-14202
INTO NASH ROAD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Nash Road within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Nash Road.

   Part of Lot 29, Concession 1 in the geographic Township of Saltfleet designated as Part 3 on Plan 62R-14202.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 2 & 5 ON PLAN 62R-13955
INTO GARSIDE AVENUE NORTH

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Garside Avenue North within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Garside Avenue North.

   Part of Garside Avenue, Registered Plan 520, designated as Parts 2 & 5 on Plan 62R-13955.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A- 55

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO STOP-UP, CLOSE AND SELL A PORTION OF THE ALLEY AT THE REAR OF 85 MOUNTAIN AVENUE DESIGNATED AS PART 3 ON PLAN 62R-14117

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 4 of the 7th Report of the Transport and Environment Committee on 1997 June 24 authorized the City to stop-up, close and sell that portion of an alley now designated as Part 3 on Plan 62R-14117.

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described lands;

AND WHEREAS notice of the City's intention to pass this By-Law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the stop-up, close and sale of a portion of the Alley lying at the rear of 85 Mountain Avenue, designated as:
   Part 3 on Plan 62R-14117

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

   be hereby authorized.

2. That the alley being closed designated as Part 3 on Plan 62R-14117 be sold to Gerard Martin and Maria McManus for the sum of $1.00.

3. That this By-Law shall come into force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-Law.

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A- 56

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO STOP-UP CLOSE AND SELL A PORTION OF
UPPER HORNING ROAD LYING EAST OF OMNI BOULEVARD
DESIGNATED AS PART 5 ON PLAN 62R-9295

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 2 of the 7th Report of the Transport and Environment Committee on 1997 June 24 authorized the City to stop-up, close and sell that portion of Upper Horning Road designated as Part 5 on Plan 62R-9295.

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described lands;

AND WHEREAS notice of the City's intention to pass this By-Law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the stop-up, close and sell of Upper Horning Road lying east of Omni Boulevard designated as:
   Part 5 on Plan 62R-9295.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

   Be hereby authorized.

2. That the portion of Upper Horning Road being closed designated as Part 5 on Plan 62R-9295 be sold to DiCenzo Construction Company Limited and Sunshine Construction Inc. as approved by City Council on 1997 June 24 in adopting Item 33 of the 7th Report of the Transport & Environment Committee for the sum of $12,600.

3. That this By-Law shall come to force and take effect on the date of its registration and the Commissioner of Transportation/Environmental Services is hereby authorized to register this By-Law.

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A-57

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO ALTER CENTENNIAL PARKWAY FROM APPROXIMATELY 50 METRES SOUTH OF ARROWSMITH ROAD TO APPROXIMATELY 210 METRES NORTH OF ARROWSMITH ROAD; TO ALTER ARROWSMITH ROAD FROM CENTENNIAL PARKWAY TO APPROXIMATELY 120 METRES WESTERLY; TO ALTER CASCADE STREET AT ITS WESTERLY END

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of the Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close or sell any highway or part of a highway;

AND WHEREAS these portions of highway known as Centennial Parkway, Arrowsmith Road and Cascade Street are local roads under the jurisdiction of The Corporation of the City of Hamilton;

AND WHEREAS the Council of the Corporation of the City of Hamilton, in adopting Item 43 of the 7th Report of the Transport and Environment Committee on 1997 June 24, authorized that steps be taken in accordance with the Municipal Act to advertise Notice of the City's intention to alter Centennial Parkway, Arrowsmith Road and Cascade Street as hereinafter described;

AND WHEREAS Notice of the City's intention to pass this By-law to authorize the said alterations has been published as required by Section 300 of the Municipal Act for four (4) consecutive weeks in the The Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard no matter whether in objection to or in support of this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the alterations be approved and carried out on Centennial Parkway to construct left turn lanes north and south of Arrowsmith Road, to install raised concrete median islands from approximately 17 metres south of the centreline of Arrowsmith Road to approximately 31 metres southerly, to widen the west curb lane from Arrowsmith Road to approximately 50 metres southerly, to remove, reconstruct and extend the raised concrete median island from approximately 17 metres north of the centreline of Arrowsmith Road to approximately 180 metres northerly, and to widen the east curb lane from Arrowsmith Road to approximately 210 metres northerly.

2. That the alterations be approved and carried out on Arrowsmith Road to construct turning lanes and to reconstruct and widen the north and south sides of the existing pavement from Centennial Parkway to approximately 120 metres westerly.

(cont'd pg 2)

3. That the alterations be approved and carried out on Cascade Street to construct a combined curb and gutter traffic turning circle at the westerly end of the street.

4. That the Mayor and the City Clerk are hereby authorized to execute, on behalf of the Corporation of The City of Hamilton, all contracts necessary for the construction of the said works.

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A-58

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO SELL A CLOSED PORTION OF GREENHILL AVENUE AND A CLOSED PORTION OF NEWLANDS ROAD DESIGNATED AS PART 3 ON PLAN 62R-7888 AND PART 2 ON PLAN 62R-6273

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, Revised Statutes of Ontario, 1990, Chapter M.45, and amendments thereto, to establish and layout, widen, alter, divert, stop-up, lease, close, sell or retain any highway or part of a highway;

AND WHEREAS the said Greenhill Avenue and Newlands Road have been closed by City of Hamilton By-Law 86-79 registered as Instrument 345242CD and by Judge's Order registered as Instrument 164622 respectively and as authorized by City Council in adopting Items 28 & 29 of the 18th Report of the Transport and Environment Committee on 1985 October 29.

AND WHEREAS The Corporation of the City of Hamilton is the owner of the above described lands;

AND WHEREAS notice of the City's intention to pass this By-Law has been published as required by Section 300 of the Municipal Act for four consecutive weeks in the Hamilton Spectator, a newspaper having general circulation in the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton, through its Transport and Environment Committee, has heard all persons who applied to be heard, no matter whether in objection to or in support of this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. That the sale of a portion of closed Greenhill Avenue and Newlands Road designated as Part 3 on Plan 62R-7888 and Part 2 on Plan 62R-6273.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

   are hereby authorized.

2. That the closed streets designated as Part 3 on Plan 62R-7888 and Part 2 on Plan 62R-6273 along with other lands be sold to the Regional Municipality of Hamilton-Wentworth as approved by City Council on 1985 July 30 in adopting Item 8 of the 13th Report of the Parks and Recreation Committee for the sum of $5,272.00.

PASSED this day of A.D. 1997

City Clerk Mayor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of said By-law is hereby amended by adding thereto the following items, namely:-

"East 35th	West	Concession to the northerly end	1 hr	8 am - 6 pm	Mon - Fri
Skylark	Both	Limeridge to Pheasant	1 hr	8 am - 8 am (24hrs)	Mon - Sun
Munn	Both	East 31st to East 33rd	3 hr	8 am - 6 pm	Mon - Fri
West 33rd	Both	Angela to Scenic	1 hr	8 am - 6 pm	Mon - Fri."

2. That **Schedule 26 (No Parking Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Valery	East	commencing 72 feet south of the east/west leg of Valery and extending 26 feet southerly therefrom	Anytime
Avondale	West	Mons to the C.N.R. Main Line	Anytime
Roseland	South	commencing at Blake and extending to a point 18 feet west of the easterly end	Anytime
Abbington	East	commencing at the north curb line of Abbington and extending 38 feet northerly therefrom	Anytime
Abbington	North	commencing at the east curb line of Abbington and extending 48 feet easterly therefrom	Anytime

Locke	West	commencing 119 feet north of Charlton and extending 27 feet northerly therefrom	Anytime."

and by deleting therefrom the following items, namely:-

"Valery	East	from the east-west leg of Valery to the southerly limit of House No. 29	Anytime
Avondale	East	Mons to 103 ft. south of the C.N.R. Main Line	Anytime
Roseland	South	Blake to end	Anytime
Thorndale	East	commencing at a point 183 feet south of Main to a point 41 feet southerly therefrom	Anytime
East 35th	West	Concession to northerly end	10 am - 2 pm Mon - Fri."

3. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Brock	South	commencing 89 feet east of John and extending 24 feet easterly therefrom	Anytime
Land	North	commencing 60 feet west of Niagara and extending 19 feet westerly therefrom	Anytime
Sanford	West	commencing 147 feet north of Barton and extending 227 feet northerly therefrom	Anytime
Mary	West	commencing 119 feet south of Murray and extending 16 feet southerly therefrom	Anytime
Norman	East	commencing 197 feet south of Argyle and extending 20 feet southerly therefrom	Anytime
Strathearne	West	commencing 438 feet south of Barton and extending 23 feet southerly therefrom	Anytime
Campbell	North	commencing 64 feet east of Carlisle and extending 24 feet easterly therefrom	Anytime
Campbell	South	commencing 44 feet east of the east curb line of Carlisle and extending 16 feet easterly therefrom	Anytime."

and by deleting therefrom the following items, namely:-

"Adeline	East	commencing at a point 29 feet south of Roxborough and extending 22 feet southerly therefrom	Anytime
Adeline	West	commencing at a point 50 feet south of Roxborough and extending 20 feet southerly therefrom	Anytime

Tragina	East	commencing 66 feet south of Vansitmart to 22 feet southerly therefrom	Anytime
Hughson	West	commencing 240 feet south of the south curb line of Brock and extending 18 feet southerly	Anytime
Sanford	West	commencing 147 feet north of Barton and extending to the south curb line of Myler	Anytime
Dunsmure	North	commencing 96 feet east of Park Row and extending 19 feet easterly therefrom	Anytime
Dunsmure	South	commencing 102 feet east of Park Row and extending 18 feet easterly therefrom	Anytime."

4. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this day of 1997.

CITY CLERK MAYOR

Bill No. A-60

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 10 (Stops at Intersections)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Berkindale	Eastbound and Westbound	Sylvester
Albion Falls (north leg)	Westbound	Corinthian
Delena	Northbound and Southbound	Dunsmure
Normandy	Eastbound and Westbound	Auburn."

2. That **Schedule 16 (No Left Turn At Certain Intersections)** of said By-law is hereby amended by deleting therefrom the following item, namely:-

"Westerly entrance/exit Limeridge Mall (Limeridge Road)	Southerly	Limeridge Road	Anytime."

3. That **Schedule 23 (Hamilton Street Railway - Bus Stops)** of said By-law is hereby amended by adding to the **Outbound** column thereof the following item, namely:-

"King 28 feet east of Sterling (NS)."

4. That **Schedule 29 (No Stopping Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Milkyway/ Trenholme	South	commencing 60 feet west of the west curb line of Upper Kenilworth and extending 123 feet easterly therefrom	Anytime

Roseland	North	commencing at the easterly end and extending 17 feet westerly therefrom	Anytime
Upper Kenilworth	West	commencing at Elliot and extending 69 feet northerly therefrom	Anytime
Upper Kenilworth	West	commencing at Elliot and extending 38 feet southerly therefrom	Anytime."

and by deleting therefrom the following item, namely:-

"Connaught	West	Dunsmure to 52 ft. south	Anytime."

5. That **Schedule 30 (Commercial Loading Zones)** of said By-law be amended by adding thereto the following item, namely:-

"Catharine	West	60 feet	87 feet south of Young	8:00 a.m. - 5:00 p.m. Monday to Friday."

and by deleting therefrom the following item, namely:-

"Catharine	West	40 feet	77 ft. south of Young	8:00 a.m. - 12:00 noon Mon to Fri."

6. That **Schedule 35 (Wheelchair Loading Zones)** of said By-law be amended by adding thereto the following item, namely:-

"Tragina	West	23 feet	66 feet south of Vansitmart	8:00 a.m.- 11:00 p.m.
Pearl	East	15 feet	32 feet south of Peter	12:00 noon - 8:00 p.m."

and by deleting therefrom the following item, namely:-

"Tragina	West	23 feet	66 feet south of Vansitmart	8:00 a.m. - 11.00 p.m. Monday to Friday."

7. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this day of 1997.

CITY CLERK MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

By-law No. 86-99
As Amended by By-laws No. 92-056 and 97-010

Respecting:

MEMBERS OF THE BOARD OF MANAGEMENT OF THE OTTAWA STREET NORTH BUSINESS IMPROVEMENT AREA

WHEREAS By-law No. 86-99, passed on the 11th day of March 1986, provided for a Board of Management of the Improvement Area designated by By-law No. 86-31, passed on the 10th day of December 1985, known as the "Ottawa Street North Business Improvement Area", more particularly described in By-law No. 86-31, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 92-056, passed on the 11th day of February 1992, varied the composition of the Board of Management and provided for an editorial amendment to By-law No. 86-99;

AND WHEREAS By-law No. 97-010, passed on the 28th day of January 1997, varied the composition of the Board of Management;

AND WHEREAS it is expedient to repeal By-law No. 97-010;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Item 8 of the 11th Report of the Planning and Development Committee at its meeting held on the 8th day of July 1997, directed that the composition of the Board of Management be further varied, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" referred to in clause 2(b) of By-law No. 86-99, as amended, is repealed and the following substituted therefor:

Gord Culshaw	Culshaw Cakes
John Driscoll	Ottawa Market and Discount Center
John Gut	Textile Centre
Tony Bifano	Anton Video
Greta Munt	Greta's Flair
Rosemary Young	Wentworth Paints
Daniel Kwiatkowski	Beach Road Meats
Toby Yull	Toby's Interior Design
John Bazinet	L. G. Wallace Funeral Home

2. By-law No. 97-010 is hereby repealed in its entirety.

3. In all other respects, By-law No. 86-99, as amended, is hereby confirmed, unchanged.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 11 R.P.D.C. 8, July 8

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593
and To Repeal Zoning By-law No. 94-027

Respecting:

LAND LOCATED AT MUNICIPAL NO. 73 GARFIELD AVENUE SOUTH

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton passed By-law No. 94-027 on the 22nd day of February 1994 to establish special requirements under Section 19B of Zoning By-law No. 6593, for the "C" District, in respect to the above-mentioned land, the extent and boundaries of which are shown on a plan thereto annexed as Schedule "A", which by-law was authorized by the Ontario Municipal Board by Order dated the 10th day of November 1992;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Section 1 of the 12th Report of the Planning and Development Committee at its meeting held on the 8th day of July 1997, recommended that Zoning By-law No. 6593 be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. By-law No. 94-027 is hereby repealed in its entirety.

2. The "C" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirements that,

(a) notwithstanding Section 9.(1) of Zoning By-law No. 6593, the following uses shall be permitted:

(i) a senior citizens facility containing "housekeeping dwellings units" for the accommodation of not more than thirty-six residents within the building existing at the time of the passing of the by-law where not more than 2 residents shall be accommodated in a housekeeping dwelling unit; and,

(ii) lounges, common spaces, kitchen facilities, a dining room in conjunction with a senior citizens facility;

(b) for the purposes of the By-law, a senior citizens facility means a facility within which all residents are at least 60 years of age or older;

(c) notwithstanding Section 9.(2) of Zoning By-law No. 6593, no building shall exceed 5 storeys and 12 m in height;

(d) notwithstanding Table 1 of Section 18A. of Zoning By-law No. 6593, not less than 13 parking spaces shall be provided and maintained;

(e) notwithstanding Section 18A(7) of Zoning By-law No. 6593, eleven of the required parking spaces shall have dimensions of not less than 2.5m by 5.7m;

(f) notwithstanding Section 18A(8) of Zoning By-law No. 6593, the two parallel parking spaces shall have a length of not less than 6.3 m;

(g) notwithstanding Section 18A(9) of Zoning By-law No. 6593, part of the manoeuvring area for the two parallel parking spaces shall be provided off-site;

(h) Sections 18A(1)(c), 18A(11)(a), 18A(12)(a) and 18A(25) of Zoning By-law No. 6593 shall not apply;

(i) notwithstanding Section 18A(12)(c) of Zoning By-law No. 6593, a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly lot line except that no visual barrier shall be situate less than 3.0 m in distance from the front lot line;

(j) notwithstanding Section 18A(24)(b)(i) of By-law No. 6593, the existing unassumed alleyway located to the rear of the lands shall provide the required access for the required parking area located on site;

(k) a landscaped area not less than 105.0 m^2 shall be provided and maintained in the front yard.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1376.

5. Sheet No. E-33 of the District Maps is amended by marking the lands referred to in section 2 of this by-law, S-1376.

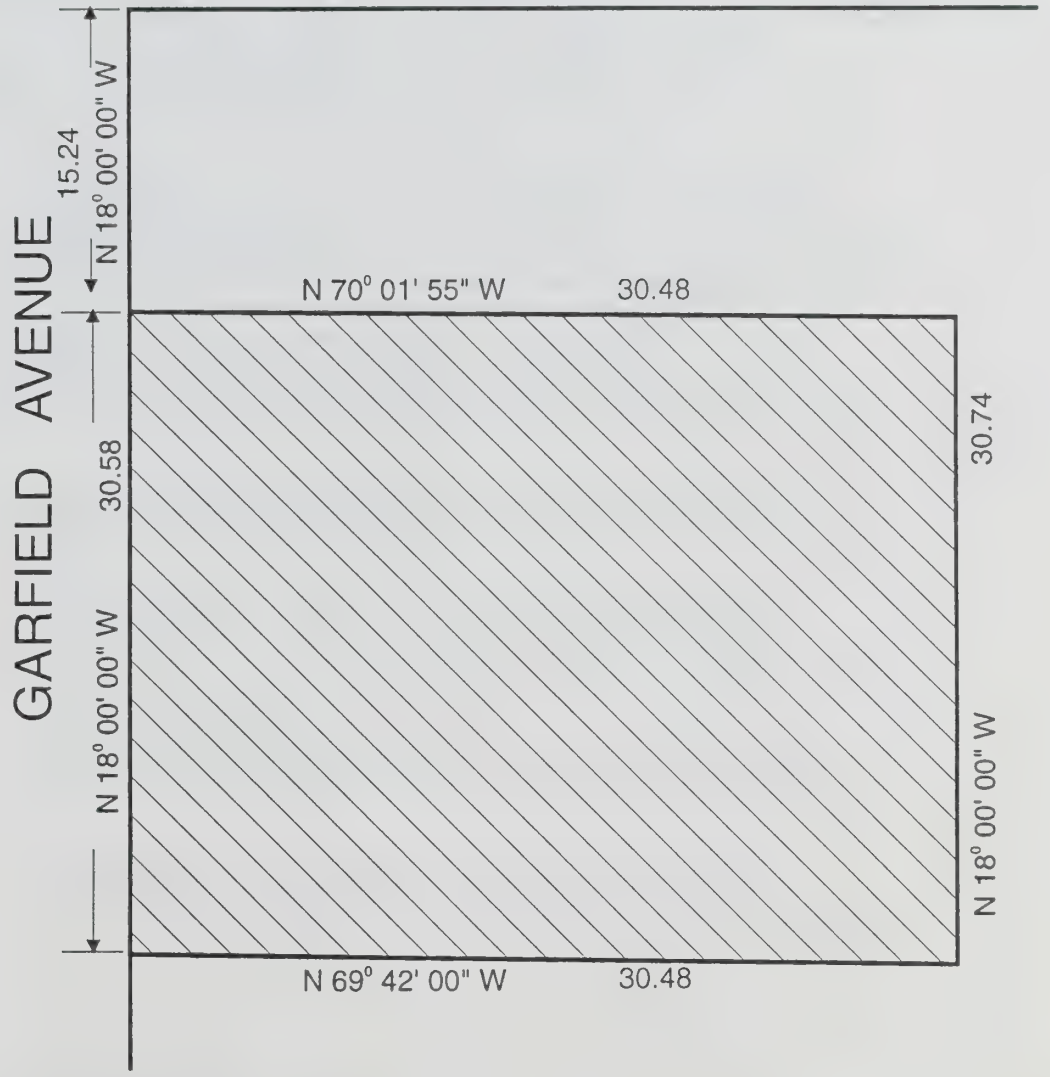
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK

MAYOR

(1997) 12 R.P.D.C. 1, July 8
Alfrin Enterprises Corporation
(Al Frisina), Owner
Amended ZAC-96-11
July 10, 1997



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No. 6593

Planning and Development Department

Legend

Modification to the "C" (Urban Protected Residential, etc.) District regulations.

North	Scale	Reference File No.
	Not to Scale	ZAC 96-11
	Date	Drawn By
	July 1997	B.B.

Bill No. **D-47**

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.97-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

   (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.

2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this 26th day of August ,1997

CITY CLERK MAYOR

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	84 HILDEGARD DR.
	SERIAL NUMBER	05 05360 6262
	BRIEF LEGAL DESCRIPTION	PLAN M28 LOT 341
	DATE OF REGISTRATION	AUGUST 9, 1996
	TAX ARREARS CERTIFICATE #	LT415808
	REDEMPTION DATE	AUGUST 9, 1997
	TOTAL ARREARS	$22,018.03
B)	PROPERTY ADDRESS	529 CONCESSION ST.
	SERIAL NUMBER	07 06720 0010
	BRIEF LEGAL DESCRIPTION	CON 3 PT LOT 10 BTN HAM
	DATE OF REGISTRATION	AUGUST 9, 1996
	TAX ARREARS CERTIFICATE #	LT415805
	REDEMPTION DATE	AUGUST 9, 1997
	TOTAL ARREARS	$156,209.06
C)	PROPERTY ADDRESS	1527 UPPER OTTAWA ST. UNIT 13
	SERIAL NUMBER	06 07210 3966
	BRIEF LEGAL DESCRIPTION	WENTWORTH CONDO PLAN 146
	DATE OF REGISTRATION	AUGUST 21, 1996
	TAX ARREARS CERTIFICATE #	LT416952
	REDEMPTION DATE	AUGUST 21, 1997
	TOTAL ARREARS	$21,793.29
D)	PROPERTY ADDRESS	1527 UPPER OTTAWA ST. UNIT 12
	SERIAL NUMBER	06 07210 3963
	BRIEF LEGAL DESCRIPTION	WENTWORTH CONDO PLAN 146
	DATE OF REGISTRATION	AUGUST 21, 1996
	TAX ARREARS CERTIFICATE #	LT416953
	REDEMPTION DATE	AUGUST 21, 1997
	TOTAL ARREARS	$16,298.05
E)	PROPERTY ADDRESS	803 CANNON ST. E.
	SERIAL NUMBER	03 02640 1930
	BRIEF LEGAL DESCRIPTION	PLAN 477 LOT 108 PT LOT 109
	DATE OF REGISTRATION	AUGUST 21, 1996
	TAX ARREARS CERTIFICATE #	LT416951
	REDEMPTION DATE	AUGUST 21, 1997
	TOTAL ARREARS	$19,299.50

F)	PROPERTY ADDRESS	18 SAN FERNANDO DR.
	SERIAL NUMBER	08 10910 4880
	BRIEF LEGAL DESCRIPTION	PLAN M58 LOT 23
	DATE OF REGISTRATION	AUGUST 16, 1996
	TAX ARREARS CERTIFICATE #	LT416608
	REDEMPTION DATE	AUGUST 16,1997
	TOTAL ARREARS	$21,284.89
G)	PROPERTY ADDRESS	607 EAGLEWOOD DR.
	SERIAL NUMBER	07 07420 5844
	BRIEF LEGAL DESCRIPTION	PLAN 62M643 LOT 16
	DATE OF REGISTRATION	SEPTEMBER 9, 1996
	TAX ARREARS CERTIFICATE #	LT419334
	REDEMPTION DATE	SEPTEMBER 9, 1997
	TOTAL ARREARS	$12,447.96
H)	PROPERTY ADDRESS	531 UPPER WENTWORTH
	SERIAL NUMBER	07 06740 0730
	BRIEF LEGAL DESCRIPTION	PLAN 746 LOT 65
	DATE OF REGISTRATION	SEPTEMBER 9, 1996
	TAX ARREARS CERTIFICATE #	LT419335
	REDEMPTION DATE	SEPTEMBER 9, 1997
	TOTAL ARREARS	$11,840.92
I)	PROPERTY ADDRESS	869 QUEENSDALE AVE. E.
	SERIAL NUMBER	06 06250 6900
	BRIEF LEGAL DESCRIPTION	PLAN 775 PT LOT 20 PT LOT 21
	DATE OF REGISTRATION	SEPTEMBER 9, 1996
	TAX ARREARS CERTIFICATE #	LT419333
	REDEMPTION DATE	SEPTEMBER 9, 1997
	TOTAL ARREARS	$11,148.08
J)	PROPERTY ADDRESS	51 QUEENSTON RD.
	SERIAL NUMBER	05 03810 0430
	BRIEF LEGAL DESCRIPTION	CON 2 PT LOT 34 SLT HAM
	DATE OF REGISTRATION	AUGUST 21, 1996
	TAX ARREARS CERTIFICATE #	LT416937
	REDEMPTION DATE	AUGUST 21, 1997
	TOTAL ARREARS	$501,268.67
K)	PROPERTY ADDRESS	140 BEACH RD.
	SERIAL NUMBER	04 02875 1520
	BRIEF LEGAL DESCRIPTION	PLAN 465 LOT 64
	DATE OF REGISTRATION	AUGUST 21, 1996
	TAX ARREARS CERTIFICATE #	VM233300
	REDEMPTION DATE	AUGUST 21, 1997
	TOTAL ARREARS	$16,976.14

L)	PROPERTY ADDRESS	154 SANFORD AVE. N.
	SERIAL NUMBER	03 02330 6710
	BRIEF LEGAL DESCRIPTION	PLAN 211 PT LOT 27
	DATE OF REGISTRATION	SEPTEMBER 18, 1996
	TAX ARREARS CERTIFICATE #	VM234202
	REDEMPTION DATE	SEPTEMBER 18,1997
	TOTAL ARREARS	$13,715.08
M)	PROPERTY ADDRESS	382 SHERMAN N
	SERIAL NUMBER	03 02710 0490
	BRIEF LEGAL DESCRIPTION	PLAN 159 PT LOTS 53 & 54
	DATE OF REGISTRATION	SEPTEMBER 18, 1996
	TAX ARREARS CERTIFICATE #	VM234202
	REDEMPTION DATE	SEPTEMBER 18, 1997
	TOTAL ARREARS	$12,333.61
N)	PROPERTY ADDRESS	1630 UPPER GAGE AVE.
	SERIAL NUMBER	07 07410 6820
	BRIEF LEGAL DESCRIPTION	CON 8 PT LOT 7 BTN HAM
	DATE OF REGISTRATION	SEPTEMBER 24, 1996
	TAX ARREARS CERTIFICATE #	LT420809
	REDEMPTION DATE	SEPTEMBER 24, 1997
	TOTAL ARREARS	$34,579.67
O)	PROPERTY ADDRESS	9 HEAD ST.
	SERIAL NUMBER	01 01035 0490
	BRIEF LEGAL DESCRIPTION	SURVEY A N MCNAB PT LOTS 19&20
	DATE OF REGISTRATION	SEPTEMBER 24, 1996
	TAX ARREARS CERTIFICATE #	VM234397
	REDEMPTION DATE	SEPTEMBER 24, 1997
	TOTAL ARREARS	$8,455.34
P)	PROPERTY ADDRESS	1304 UPPER GAGE AVE.
	SERIAL NUMBER	07 06910 5360
	BRIEF LEGAL DESCRIPTION	CON 7 PT LOT 7 BTN HAM
	DATE OF REGISTRATION	SEPTEMBER 24, 1996
	TAX ARREARS CERTIFICATE #	LT420811
	REDEMPTION DATE	SEPTEMBER 24,1997
	TOTAL ARREARS	$14,888.61
Q)	PROPERTY ADDRESS	132 OTTAWA ST. S.
	SERIAL NUMBER	04 02930 4250
	BRIEF LEGAL DESCRIPTION	PLAN 548 PT LOT 106 & 107
	DATE OF REGISTRATION	SEPTEMBER 24, 1996
	TAX ARREARS CERTIFICATE #	LT420804
	REDEMPTION DATE	SEPTEMBER 24, 1997
	TOTAL ARREARS	$14,759.79

R)	PROPERTY ADDRESS	141 BALSAM AVE. S.
	SERIAL NUMBER	03 02540 2260
	BRIEF LEGAL DESCRIPTION	PLAN 439 PT LOTS 30, 31 & 32
	DATE OF REGISTRATION	SEPTEMBER 24, 1996
	TAX ARREARS CERTIFICATE #	LT420810
	REDEMPTION DATE	SEPTEMBER 24, 1997
	TOTAL ARREARS	$12,127.71
S)	PROPERTY ADDRESS	21 SEVERN ST.
	SERIAL NUMBER	02 0126 07670
	BRIEF LEGAL DESCRIPTION	PLAN 37 PT LOTS 9 & 10
	DATE OF REGISTRATION	SEPTEMBER 24, 1996
	TAX ARREARS CERTIFICATE #	VM239900
	REDEMPTION DATE	SEPTEMBER 24, 1997
	TOTAL ARREARS	$8,235.69
T)	PROPERTY ADDRESS	65 MAGILL ST.
	SERIAL NUMBER	01 01050 0460
	BRIEF LEGAL DESCRIPTION	PLAN 251 RT LOT 6 & 7
	DATE OF REGISTRATION	SEPTEMBER 26, 1996
	TAX ARREARS CERTIFICATE #	VM234483
	REDEMPTION DATE	SEPTEMBER 26, 1997
	TOTAL ARREARS	$9,396.88
U)	PROPERTY ADDRESS	145 EMERALD ST. S.
	SERIAL NUMBER	03 02040 1510
	BRIEF LEGAL DESCRIPTION	REG COMP PLAN 1360 LOT 23
	DATE OF REGISTRATION	SEPTEMBER 26, 1996
	TAX ARREARS CERTIFICATE #	LT421133
	REDEMPTION DATE	SEPTEMBER 26, 1997
	TOTAL ARREARS	$23,356.54
V)	PROPERTY ADDRESS	261 HOLTON AVE. S.
	SERIAL NUMBER	03 02450 1090
	BRIEF LEGAL DESCRIPTION	PLAN 411 LOT 41
	DATE OF REGISTRATION	OCTOBER 18, 1996
	TAX ARREARS CERTIFICATE #	LT423803
	REDEMPTION DATE	OCTOBER 18, 1997
	TOTAL ARREARS	$10,135.41
W)	PROPERTY ADDRESS	332 GAGE AVE. N.
	SERIAL NUMBER	04 02870 7140
	BRIEF LEGAL DESCRIPTION	PLAN 465 PT LOT 4
	DATE OF REGISTRATION	OCTOBER 22, 1996
	TAX ARREARS CERTIFICATE #	VM235289
	REDEMPTION DATE	OCTOBER 22, 1997
	TOTAL ARREARS	$8,146.54

X)	PROPERTY ADDRESS	560 KING ST. W.
	SERIAL NUMBER	01 01035 3060
	BRIEF LEGAL DESCRIPTION	PLAN 46 LOT B
	DATE OF REGISTRATION	JULY 23, 1997
	TAX ARREARS CERTIFICATE #	LT461802
	REDEMPTION DATE	JULY 23, 1998
	TOTAL ARREARS	$35,820.39
Y)	PROPERTY ADDRESS	11 STRATHCONA AVE. N.
	SERIAL NUMBER	01 01035 0900
	BRIEF LEGAL DESCRIPTION	PLAN 46 PT LOT A
	DATE OF REGISTRATION	JULY 23, 1997
	TAX ARREARS CERTIFICATE #	LT461806
	REDEMPTION DATE	JULY 23, 1998
	TOTAL ARREARS	$22,595
Z)	PROPERTY ADDRESS	84 BURLINGTON ST. W.
	SERIAL NUMBER	02 01330 8670
	BRIEF LEGAL DESCRIPTION	PLAN 127 PT LOT 4
	DATE OF REGISTRATION	SEPTEMBER 24, 1996
	TAX ARREARS CERTIFICATE #	VM234397
	REDEMPTION DATE	SEPTEMBER 24, 1997
	TOTAL ARREARS	$8,531.85
AA)	PROPERTY ADDRESS	191 SHERMAN AVE. N.
	SERIAL NUMBER	03 02360 7800
	BRIEF LEGAL DESCRIPTION	PLAN 245 PT LOT 11
	DATE OF REGISTRATION	SEPTEMBER 26, 1996
	TAX ARREARS CERTIFICATE #	VM234481
	REDEMPTION DATE	SEPTEMBER 26, 1997
	TOTAL ARREARS	$8,212.15

Bill No. **D-48**

The Corporation of the City of Hamilton

By-law No. 97-

Respecting:

MUNICIPAL ELECTION MATTERS

WHEREAS Section 8 of the Municipal Elections Act, 1996 authorizes a municipality to pass a by-law to submit a question not otherwise authorized by law, but within the Council's jurisdiction to its electors;

AND WHEREAS Section 43 of the Act authorizes a Council to establish the times and dates for advance polls;

AND WHEREAS on October 8, 1996, Council requested a question regarding the location of a provincially run casino be placed on the ballot for the next General Municipal Election;

AND WHEREAS City Council, on August 26, 1997, in adopting Section 20 of the Nineteenth Report of the Finance and Administration Committee, authorized this By-Law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The following question is authorized to be placed on the ballot for the November 10, 1997 Municipal General Election:

   "Do you agree to a provincially run casino in the City of Hamilton?"

2. (1) The advance poll voting dates shall be November 1, 1997 and November 5, 1997.

   (2) The advance polls shall be open from 10:00 a.m. to 8:00 p.m. on each advance polling day.

PASSED this 26th day of August , 1997.

CITY CLERK MAYOR

Bill No. **D-49**

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

By-law No. 85-148

Respecting:

THE CONTROL AND LICENSING OF DOGS

WHEREAS By-law No. 85-148 was enacted on July 30, 1985 to regulate the control and licensing of dogs within the City;

AND WHEREAS paragraph 10 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes a municipality to enact a By-law requiring the muzzling or leashing of a dog after it has bitten a person or a domestic animal, subject to the dog owner's right to appeal the muzzling or leashing Order;

AND WHEREAS City Council, on August 26, 1997, in adopting Section 28 of the Nineteenth Report of the Finance and Administration Committee, authorized this By-law;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Section 5(a) of By-law No. 85-148 is repealed and the following is substituted

"5. (a) Every dog owner shall provide a restraint or enclosure for the purpose of confining the dog to the premises of the dog owner."

2. By-law No. 85-148 is amended by the addition of the following Section:

"6. (b) (1) Despite any other provision of this By-law,

(i) where the Operations Manager of the Hamilton Society for the Prevention of Cruelty to Animals has reason to believe that a dog has bitten a person or a domestic animal, the Operations Manager shall serve a notice upon the owner requiring the owner to muzzle the dog, except when the dog is on the premises of the owner;

(ii) the notice shall be served on the owner in the same manner as the notice of hearing may be served under subsection (2)(b);

(iii) upon the service of the notice, the owner shall muzzle the dog except when the dog is on the premises of the owner."

(2) Where the Operations Manager has reason to believe that a dog has bitten a person or a domestic animal, he or she shall, if requested by the owner, hold a hearing under the Statutory Power Procedure Act, to determine whether the dog has bitten a person or a domestic animal;

(3) Prior to holding the hearing, the Operations Manager shall,

(a) cause a notice of hearing to be served on the owner;

(b) the notice of hearing may be served on the owner by the Operations Manager by handing it to the owner, but where the notice of hearing cannot be given or served by reason of the owner's absence from his or her premises or by reason of his or her evading service, the notice of hearing may be given or served by,

(i) handing it to an apparently adult person on the owner's premises; or

(ii) posting it up in a conspicuous place upon some part of the owner's premises; or

(iii) sending it by prepaid registered mail to the owner at the address where he or she resides and it shall be deemed to have been received by the person to whom it was addressed on the fifth day after the day of mailing.

(4) The notice of hearing shall include a statement,

(a) of the facts which lead the Operations Manager to believe that the owner's dog has bitten a person or a domestic animal;

(b) setting out the time and place at which the Operations Manager will hold a public hearing to determine whether the dog has bitten a person or a domestic animal and whether or not the dog shall be exempted from the muzzling requirement;

(c) that if the owner does not attend the hearing, the Operations Manager may proceed with the hearing in the absence of the owner, and the owner will not be entitled to any further notice in the proceeding.

(d) that the Operations Manager shall also cause a notice of hearing to be served on the person bitten by the dog or the owner of the domestic animal bitten by the dog in the same manner as the notice of hearing may be served under subsection (2) with necessary modifications.

(5) The owner may, if he or she wishes, be represented by counsel or an agent at the hearing and shall have the right to adduce evidence and to submit argument to show that the dog has not bitten a person or a domestic animal or to exempt the dog from the muzzling requirement, or both, and to cross-examine any witness adverse in interest to the owner, and in the event that the owner's dog is not exempted from the muzzling requirement, the Operations

Manager shall, at the request of the owner, deliver written reasons for his or her decision.

(6) At the hearing, the Operations Manager shall consider all of the evidence and shall make a declaration that the dog of the owner,

(a) has bitten a person or domestic animal or has not bitten a person or domestic animal; and

(b) shall be muzzled, except when on the premises of the owner, or shall be exempt from the muzzling requirement.

(7) In addition to the notice of decision required under Section 18 of the Statutory Powers Procedure Act, a copy of the declaration shall be served on the owner by the Operations Manager in the same manner as the notice of hearing may be served under subsection 2.

(8) Every person who keeps a dog which requires muzzling under this section shall immediately notify the Operations Manager after he or she has transferred the ownership of the dog to any other person or has begun keeping the dog at a new location."

3. Section 31, DELETIONis repealed and the following is substituted.

"31. Any person who contravenes any part of PART 1 is guilty of an offence and, upon conviction, is subject to the Penalties specified by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended."

4. Section 33 is deleted and the following is substituted.

"33. Every person who owns or operates a kennel and every person, other than a dog owner, who contravenes any provision of PART 3, is guilty of an offence and upon conviction is liable to the Penalties specified in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended."

PASSED this 26th day of August ,1997.

CITY CLERK MAYOR

BY-LAW NO. 97 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 26th DAY OF AUGUST, 1997.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 26th day of August 1997

CITY CLERK MAYOR

URBAN/MUNICIPAL
CA4 ON HBL A05
A31
1997



The Urban/Municipal Collection
2nd Floor
Hamilton Public Library
+ Bill

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

URBAN MUNICIPAL

Tuesday, 1997 September 30
7:30 o'clock p.m.
Council Chambers, City Hall

SEP 30 1997

GOVERNMENT DOCUMENTS

J. J. Schatz, City Clerk

A G E N D A

1. National Anthem.

2. Opening Prayer: *Rev. Alex Gyamera*
Church of Pentecost

3. Presentations:

(a) Certificate of Recognition: *Bill Newman*

(b) Badges: *Members, Hamilton Veterans Committee:*
Frank Caldwell, Chairman
Jack McFarland, Vice-Chairman
Alderman William McCulloch
Tom Dean
Bill Eisan
Lloyd Shephard

4. Adoption of the minutes of the meeting held 1997 August 26.

5. Presentation of petitions and correspondence by the Clerk.

6. Reference of Correspondence\Petitions by the Mayor.

7. Motion to move into Committee of the Whole on the Reports.

8. Consideration of Standing Committee Reports:

(a) Transport and Environment Committee
(b) Parks and Recreation Committee
(c) Planning and Development Committee
(d) Finance and Administration Committee

9. *Motion to Adopt the Report of the Committee of the Whole.*

10. *Notices of Motion from previous meetings - Alderman D. Ross*
- Alderman M. Kiss

11. *Notices of Motion for next meeting.*

12. *Motion to appoint an Acting Mayor for the month of October, 1997.*

13. *Question Period.*

14. *Adjournment.*

Minutes of Hamilton City Council
Tuesday, 1997 August 26
7:30 o'clock p.m.
Council Chamber, City Hall

The Council met:

Present: Mayor Morrow.
Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross.

Absent: Alderman Agro - City Business
Alderman McCulloch - City Business

Mayor Morrow called the meeting to order.

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The National Anthem was played.

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Mayor R. Morrow led Council in prayer.

ADOPTION OF MINUTES

The minutes of the regular meeting held 1997 July 8 and the special meetings held 1997 July 17, July 24, August 7 and August 12 were adopted as circulated.

Recorded vote on Minutes of 1997 August 12.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Jackson, Ross. -9.

NAYS: Aldermen Eisenberger, Collins, Charters, Merling, Anderson, D'Amico. -6.
CARRIED.

PRESENTATION

A Certificate of Recognition was presented to Mr. Sam Alfano.

DECLARATION OF APPOINTED OFFICE

Wesley H. Shoemaker was sworn in as the Fire Chief.

CORRESPONDENCE

1. Letter dated 1997 July 31 from S. G. Hollowell, Acting City Clerk advising of objections to By-law No. 97-132 respecting property at 412 Aberdeen Avenue.

   Received

2. Letter dated 1997 August 7 from S. G. Hollowell, Acting City Clerk advising of objections to By-law No. 97-147 respecting property at 195 Ferguson Avenue North.

   Received

3. Application dated 1997 August 7 from 839891 Ontario Inc., (A. DiSilvestro, 161 Rebecca Street, Hamilton, Ontario for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Detached) District; and, Subdivision Application 97-05 (Wellington Estates for approval of a plan of subdivision for 76 lots for single-detached dwellings, 5 blocks to be developed in conjunction with the adjacent lands and 1 block for parkland for property at 240 Rymal Road East, Hamilton, Ontario.

   Received

4. Application dated 1997 August 6 from Mohawk College of Applied Arts and Technology, Fennell Avenue West for a modification to the established "B" (Suburban

Agricultural and Residential, etc.) District regulations for Blocks "1" and "2" for property at 135 Fennell Avenue West, Hamilton, Ontario.

Received

5. Application dated 1997 August 5 from Barriview Developments Limited, 4881 Yonge Street, Willowdale, Ontario for an Official Plan Amendment and Rezoning Application to amend Special Policy Area 33 to allow a restaurant use, and for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District for 880 Upper Wentworth Street, Hamilton, Ontario.

Received

6. Application dated 1997 July 17 from Ron Kemp, President, James Kemp Construction Limited, Box 3520, Station "C", Hamilton, Ontario for Part Lot control for Rouge Hill Court, Hamilton, Ontario

Received

7. Application dated 1997 July 15 from the Board of Education for the City of Hamilton, 100 Main Street East, Hamilton, Ontario for redesignation from Open Space and Major Institutional to Residential and for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "DE" (Low Density Multiple Dwellings) District modified for 220 Dundurn Street South, Hamilton, Ontario.

Received

* *

It was moved by Alderman Kiss and seconded by Alderman Caplan that the Reports of the Transport and Environment Committee, the Parks and Recreation Committee, the Planning and Development Committee, the Finance and Administration Committee, and the Nominating Committee, be considered in Committee of the Whole with Alderman Caplan in the chair.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, -14.

NAYS: -0. **CARRIED.**

TRANSPORT AND ENVIRONMENT COMMITTEE - NINTH REPORT

Section 2 Re: Surplus Property - Alleyway Between Glenfern and Hillcrest Avenue

Recorded vote.

YEAS: Mayor Morrow, Aldermen Caplan, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Kiss. -1. **CARRIED.**

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Section 4(d) Re: Traffic Signal - Arrowsmith Road and Centennial Parkway

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1. **CARRIED.**

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Section 6 Re: Three-way Stop Control at Berkindale Drive and Sylvester Street

It was moved by Alderman Collins and seconded by Alderman Eisenberger that Section 6 of the Ninth Report of the Transport and Environment Committee be amended by adding the words "for a six-month trial period." **CARRIED.**

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Rule No. 9 - Intersection Control at Greenhill Avenue and Hildegard Drive

It was moved by Alderman Merling and seconded by Alderman D'Amico that Rule No. 9 of the City's Procedural By-law 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting no parking on Valery Court and in order to permit consideration of a resolution respecting intersection control at Greenhill Avenue and Hildegard Drive. **CARRIED.**

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Section 50 Re: "No Parking" Regulation on Valery Court

It was moved by Alderman Merling and seconded by Alderman D'Amico that the Ninth Report of the Transport and Environment Committee for 1997 be amended by adding the following as Section 50:

50. That the existing "No Parking" regulation on the east side of Valery Court commencing at the east/west leg of Valery Court and extending to the south property line of 29 Valery Court be removed and that a "No Parking" regulation be implemented on the east side of Valery Court commencing at a point 72 feet south of the east/west leg of Valery Court and extending to a point 26 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly. **CARRIED.**

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Section 51 Re: Three-way Stop Control - Greenhill Avenue and Hildegard Drive

It was moved by Alderman Merling and seconded by Alderman Collins that the Ninth Report of the Transport and Environment Committee for 1997 be amended by adding the following as Section 51:

51. (a) That three-way stop control be implemented at the intersection of Greenhill Avenue and Hildegard Drive and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the following Bill be adopted, signed, sealed and enrolled as a By-law:

A-61 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic. **CARRIED.**

PARKS AND RECREATION COMMITTEE - EIGHTH REPORT

Rule No. 9 - Hamilton Tiger Cat Football Club Special Event

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that Rule No. 9 of the City's Procedural By-law No. 95-167 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the Hamilton Tiger Cat Football Club Special Event. **CARRIED.**

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Section 13 Re: Hamilton Tiger Cat Football Club Special Event

It was moved by Alderman Eisenberger and seconded by Alderman Anderson that the following be added as Section 13 of the Eighth Report of the Parks and Recreation Committee for 1997:

13. That approval as required by Parks By-law 95-126, as amended, Section 12, and subject to the standard terms and conditions of the Special Events Guidelines, be given to the Hamilton Tiger Cat Football Club (1097694 Ontario Ltd.) to hold a beer garden as a pre-game party on Monday, 1997 September 1st at 5:00 - 6:30 p.m., and on Saturday, 1997 September 6th at 2:00 - 3:30 p.m. in the east end zone of Brian Timmis Stadium.

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Copps, Wilson, Eisenberger, Collins, Charters, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Jackson. -1. **CARRIED.**

PLANNING & DEVELOPMENT COMMITTEE - THIRTEENTH REPORT

Section 1 Re: Zoning Modification at 120 Ferrie Street

Recorded vote.

YEAS: Aldermen Kiss, Caplan, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -13.

NAYS: Alderman Copps. -1. **CARRIED.**

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Section 7 Re: Expropriation of Lands on King Street East and Main Street East

Recorded vote.

YEAS: Mayor Morrow, Aldermen Kiss, Caplan, Drury, Morelli, Wilson, Eisenberger, Collins, Charters, Jackson, Merling, Anderson, D'Amico, Ross. -14.

NAYS: Alderman Copps. -1. **CARRIED.**

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Section 8 Re: Demolition Permit - 272 Wellington Street

It was moved by Alderman Drury and seconded by Alderman D'Amico that Section 8 of the Thirteenth Report of the Planning and Development Committee for 1997 be deleted and replaced with the following:

8. That the Building Commissioner be authorized to approve a demolition permit for 272 Wellington Street North, in accordance with By-law 74-290 pursuant to Section 33 of the Planning Act, as amended. **CARRIED.**

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Section 27 Re: Change in Zoning - 5 Dodson Street

It was moved by Alderman Drury and seconded by Alderman D'Amico that the following be added as Section 27 of the Thirteenth Report for 1997 of the Planning and Development Committee:

27. That Zoning Application ZAR-97-18, Enio Prosperi, Vera Prosperi, Maurio Prosperi and Cesare Prosperi, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc) District to "R-4" (Small Lot Single Family) District, for the rear lands of 5 Dodson Street which front onto Welbourn Drive and north of McElroy Road East, as shown on the attached map marked as Appendix "M", be denied because the proposed application is not considered to be consistent with the established residential character of the neighbourhood. **CARRIED.**

FINANCE & ADMINISTRATION COMMITTEE - NINETEENTH REPORT

Section 1 Re: Task Force Respecting 1997 Base Budget Reductions

It was moved by Alderman Charters and seconded by Alderman Jackson that the Nineteenth Report for 1997 of the Finance and Administration Committee be amended by deleting the words "and the Human Resources Department" at the end of the resolution. **CARRIED.**

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It was moved by Alderman Ross and seconded by Alderman D'Amico that Rule 29 of By-law 95-167 be suspended for this meeting of City Council in order to permit postponement of the Notice of Motion of Alderman Ross to a fourth meeting of City Council. **CARRIED.**

ACTING MAYOR FOR THE MONTH OF SEPTEMBER, 1997

It was moved by Alderman Kiss and seconded by Alderman Caplan that Alderman Eisenberger be appointed Acting Mayor for the month of September, 1997. **CARRIED.**

RESOLUTION

Re: Regional Question on Municipal Ballot

It was moved by Alderman Charters and seconded by Alderman Jackson:

(a) That staff review the Municipal Elections Act to determine if the Region can impose the placing of a question on the election ballot; and,

(b) That, if the Region can impose the placing of a question, Regional Council be requested to hold a special meeting prior to 1997 September 12 in order to reconsider the placing of this question; and,

(c) That, if the Region cannot impose the placing of a question, a special meeting of City Council be convened to discuss this issue. **CARRIED.**

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City Council then adjourned at 9:35 o'clock p.m.

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Taken as read and approved.

MAYOR R. M. MORROW

S. G. Hollowell
1997 August 26
SGH/bc

CORRESPONDENCE

Correspondence:

1. Letter dated 1997 September 5 from P. J. Dillon, Chairman, Laurel Wilson, Commissioner, and Brian Hinkley, Commissioner, Hamilton Harbour Commissioners, RE: 1996 Annual Report.

   Recommendation: **Be Received.**

2. Application dated 1997 September 24 from 1186559 Ontario Inc., (Mr. Hai Chan Wah, 35 Brant Street, Hamilton, Ontario, for a change in zoning from "C" (Urban Protected Residential, etc.) District modified and "R-4" (Small Lot Single Family Detached) District modified for 21 Brantdale Avenue, Hamilton, Ontario.

   Recommendation: **Be Received.**

3. Application dated 1997 September 24 from Altco Trading International Incorporated, 6 Macauley Street East, Hamilton, Ontario, for a change in zoning from "D" (Urban Protected Residential - One and Two Family, Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District for 520 James Street North, Hamilton, Ontario.

   Recommendation: **Be Received.**

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554

1.

The Hamilton Harbour Commissioners

September 5, 1997

OFFICE OF THE CITY CLERK
SEP 0 9 1997
REC. BY ..... DATE .....
REF'D. TO ..... DATE .....
REF'D. TO ..... DATE .....
REF'D. TO ..... DATE .....
ACTION: For City Council

Mr. J. Schatz
City Clerk
The Corporation of the City of Hamilton
City Hall, 71 Main St. West
HAMILTON, ON L8N 3T4

Dear Mr. Schatz,

We are pleased to enclose for your information a copy of our 1996 Annual Report. If you have any questions or comments regarding this report, please call at your convenience.

The Commissioners would like to acknowledge and thank you for the ongoing support for the Port of Hamilton by the City of Hamilton.

Yours very truly,
THE HAMILTON HARBOUR COMMISSIONERS

P. J. Dillon
Chairman

Laurel Wilson
Commissioner

B. J. Hinkley
Commissioner

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Enc

TRANSPORT & ENVIRONMENT COMMITTEE

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Transport and Environment Committee presents its **TENTH** Report for 1997 and respectfully recommends:

1. (a) That the application to close the north/south unassumed alley 1st west of East 16th Street between Thayer Avenue and Queensdale Avenue be approved, subject to the following conditions:

   (i) That the City Solicitor be authorized to make an application to a District Court Judge under Section 88 of The Registry Act, R.S.O. 1990, for an order to stop-up, close and sell the north/south unassumed alley 1st west of East 16th Street between Thayer Avenue and Queensdale Avenue; and,

   (ii) That the Senior Director, Roads be directed to sign an affidavit setting out that no public funds have been expended on the portion of alleyway to be closed; and,

   (iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant for review by the City Solicitor; and,

   (iv) That the applicant prepare and register a reference plan under the Registry Act; said plan to be prepared by an Ontario Land Surveyor, to the satisfaction of the Regional Surveyor, and that it delineate the manner in which the proposed closed portion is to be distributed to the abutting owners and that the applicant deposit a reproducible copy of said plan, with the Regional Surveyor; and,

   (v) That the Commissioner of Transportation be authorized to make application to the Regional Municipality of Hamilton-Wentworth for approval of the proposed closing, pursuant to Section 44 of the Regional Municipality Act; and,

   (vi) That the Manager of Real Estate Division, City Clerk's Department be authorized to proceed with the disposition of the subject lands to the abutting owners.

(b) Provided the Judge's Order to close the unassumed alley is granted:

(i) That the Commissioner of Transportation be directed to prepare a by-law for the sale of the closed unassumed alley to the abutting owners; and,

(ii) That the City Clerk be directed to publish a notice pursuant to Section 300 of The Municipal Act, R.S.O. 1990, of the City's intention to pass the By-law.

2. That a "No Parking" regulation be implemented on the north and east sides of Gledhill Crescent commencing at a point 53 feet east of the east curb line of Gledhill Crescent and extending to a point 53 feet north of the north curb line of Gledhill Crescent, and that the City Traffic By-law No. 89-72 be amended accordingly.

3. That the existing "Permit Parking" regulation on the west side of Lyndhurst Street commencing at a point 51 feet north of the south end of Lyndhurst Street and extending to a point 23 feet northerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

4. That the existing "Permit Parking" regulation on the south side of Brant Street commencing at a point 53 feet west of Niagara Street and extending to a point 16 feet westerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

5. (a) That a "Permit Parking" regulation be implemented on the north side of Primrose Avenue commencing at a point 124 feet east of Avondale Street and extending to a point 15 feet easterly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issued one parking permit to Mr. Qureshi, No. 35 1/2 Primrose Avenue.

6. (a) That a "Permit Parking" regulation be implemented on the north side of Tom Street commencing at a point 129 feet west of Dundurn Street North and extending to a point 20 feet westerly therefrom, and on the north side of Tom Street commencing at a point 176 feet west of Dundurn Street North and extending to a point 18 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to both Mr. William King, No. 72 Tom Street and Ms. Denise Doyle, No. 78 Tom Street.

7. (a) That a "Permit Parking" regulation be implemented on the east side of Grosvenor Avenue North commencing at a point 294 feet south of Barton Street East and extending to a point 30 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. Gerald Metcalf, No. 290 Grosvenor Avenue North.

8. That the existing "Permit Parking" regulation on the south side of MacAuley Street West commencing at a point 269 feet west of MacNab Street North and extending to a point 16 feet westerly therefrom be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

9. That the existing by-law entry allowing for an "Alternate Side Parking" regulation on Gladstone Avenue between Main Street East and Delaware Avenue be rescinded and that the existing "No Parking" regulation on the west side and the "Two Hour Parking Time Limit, 24 hours a day, Monday to Friday" regulation on the east side of Gladstone Avenue between Main Street East and Delaware Avenue be reinstated, and that the City Traffic By-law No. 89-72 be amended accordingly.

10. That the existing "Permit Parking" regulation on the south side of Francis Street which commences at a point 106 feet west of Douglas Street and extends to a point 17 feet westerly therefrom be revised such that the regulation commences at a point 106 feet west of Douglas Street and extends to a point 20 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

11. (a) That a "Permit Parking" regulation be implemented on the west side of Douglas Street between Burton Street and the TH&B Railway tracks, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to both No. 25 Douglas Street and No. 91 Burton Street (to a maximum of two) on a first come first served basis.

12. That a "Three Hour Parking Time Limit, 24 hours a day, Monday to Friday" regulation be implemented on the west side of Weir Street North commencing at Barton Street East and extending to a point 113 feet northerly therefrom, and the City Traffic By-law No. 89-72 be amended accordingly.

13. That a "No Parking" regulation be implemented on the east side of Ivon Avenue commencing at Roxborough Avenue and extending to a point 40 feet northerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

14. (a) That a "Permit Parking" regulation be implemented on the west side of Ontario Avenue commencing at a point 150 feet south of Stinson Street and extending to a point 24 feet southerly therefrom and that the City Traffic By-law No. 89-72 be amended accordingly; and,

    (b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mr. James Beauchamp, No. 128 Ontario Avenue.

15. (a) That the existing "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation on the south side of Colbourne Street between Park Street North and Bay Street North be shortened such that the regulation commences at Park Street North and extends to a point 130 feet east of Bay Street North; and,

    (b) That a "Permit Parking" regulation be implemented on the south side of Colbourne Street commencing at a point 47 feet east of Bay Street North and extending to a point 83 feet easterly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

    (c) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit per residence to Nos. 89, 91 and 93 Colbourne Street (to a maximum of three) on a first come first served basis.

16. That the existing "Alternate Side Parking" regulation on Myrtle Avenue between Rutherford Avenue and Delaware Avenue be replaced with a "No Parking" regulation on the east side and unrestricted parking on the west side, and that the City Traffic By-law No. 89-72 be amended accordingly.

17. That the existing "No Parking" regulation on both sides of Limeridge Road West from Hawkridge Avenue to the easterly limits (Upper James Street) be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

18. (a) That a "Permit Parking" regulation be implemented on the west side of John Street North commencing at a point 81 feet north of Burlington Street East and extending to a point 17 feet northerly therefrom and that the City Traffic By-law No. 89-71 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to Mrs. Donna Boyce, No. 535 John Street North.

19. (a) That a "Permit Parking" regulation be implemented on the south side of Simcoe Street East commencing at a point 181 feet west of Ferguson Avenue North and extending to a point 24 feet westerly therefrom, and on the north side of Simcoe Street East commencing at a point 114 feet west of Ferguson Avenue North and extending to a point 16 feet westerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly; and,

(b) That the Commissioner of Public Works and Traffic be authorized to issue one parking permit to both Mr. Fred Fisher, No. 164 Simcoe Street East, and Mr. Victor Giannotti, No. 171 Simcoe Street East.

20. That the existing "Permit Parking" regulation on the south side of Burton Street between Cheever Street and Douglas Street be removed, and that the City Traffic By-law No. 89-72 be amended accordingly.

21. That a "Two Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the west side of Emerson Avenue commencing at a point 63 feet south of Royal Avenue and extending to a point 49 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

22. (a) That a "One Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the north side of Brantdale Avenue between West 2nd Street and Upper James Street; and,

(b) That the existing "No Stopping" regulation on the north side of Brantdale Avenue commencing 100 feet west of West 2nd Street and extending to a point 137 feet east of West 2nd Street be removed; and,

(c) That the City Traffic By-law No. 89-72 be amended accordingly.

23. That parking be allowed on both sides of Avondale Street between Barton Street East and Mons Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.

24. (a) That a "No Parking" regulation be implemented on both sides of Ravenscliffe Avenue commencing at Aberdeen Avenue and extending to a point 122 feet southerly therefrom; and,

(b) That a full-time "Three Hour Parking Time Limit" regulation be implemented on the west side of Ravenscliffe Avenue commencing at a point 122 feet south of Aberdeen Avenue and extending to a point 429 feet southerly therefrom, and on the east side of Ravenscliffe Avenue commencing at a point 122 feet south of Aberdeen Avenue and extending to a point 330 feet southerly therefrom; and,

(c) That the City Traffic By-law No. 89-72 be amended accordingly.

25. That southbound traffic on Cellini Avenue be required to stop for eastbound and westbound traffic on Eaglewood Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.

26. That three-way stop control be implemented at the intersection of Lawrence Avenue (west leg) and Neil Avenue and that the City Traffic By-law No. 89-72 be amended accordingly.

27. That northbound traffic on Jeremy Street be required to stop for eastbound and westbound traffic on Lorenzo Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.

28. That eastbound traffic on Sheridan Lane be required to stop for northbound and southbound traffic or Lower Horning Road, and that the City Traffic By-law No. 89-72 be amended accordingly.

29. That three-way stop control be implemented at the intersection of Acadia Drive and Annapolis Way, and that the City Traffic By-law No. 89-72 be amended accordingly.

30. That northbound traffic on Chelmsford Place be required to stop for eastbound and westbound traffic on Kentley Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.

31. That three-way stop control be implemented at the intersection of Locke Street North and Peter Street and that the City Traffic By-law No. 89-72 be amended accordingly.

32. That eastbound traffic on Oakdale Avenue be required to stop for northbound and southbound traffic on East 43rd Street, and that the City Traffic By-law No. 89-72 be amended accordingly.

33. That a full-time "Wheelchair Loading Zone" regulation be implemented on the east side of Park Row North commencing at a point 164 feet south of Cannon Street East and extending to a point 29 feet southerly therefrom, and that the City Traffic By-law No. 89-72 be amended accordingly.

34. That a "No Stopping" corner clearance be implemented on the south side of Mountville Avenue commencing at Upper Wellington Street and extending to a point 58 feet easterly therefrom, and that the City Traffic By-law 89-72 be amended accordingly.

35. That heavy traffic on Grays Road, from Community Avenue to Frances Avenue be restricted to the hours of 7:00 a.m. to 7:00 p.m., and that City Traffic By-law No. 89-72 be amended accordingly.

36. That the Commissioner of Public Works and Traffic be authorized to issue, upon request, three Time Limit Exemption Permits to each of the first three eligible applicants residing in the apartment building at No. 137 Duke Street.

37. (a) That a School Crossing Guard be assigned to the west intersection of Fernwood Crescent and Ninth Avenue during the morning and evening school crossing periods only for the balance of 1997 and up until the approval of the 1998 Departmental Budget; and

(b) That consideration be given in the 1998 Current Budget deliberations for an expansion package of $4,000 plus administrative costs for a School Crossing Guard at this location on a permanent basis.

38. (a) That the following City land be incorporated into the following streets:

Appleblossom Drive Part 2 Plan 62R-12439

(b) That the by-laws to carry out the incorporation of the said land into the foregoing street be enacted by City Council; and,

(c) That the Commissioner of Transportation be authorized and directed to register the by-laws; and,

(d) That a by-law to repeal By-law No. 97-166 enacted on 1997 August 26 to incorporate land into Appleblossom Drive be enacted by City Council.

39. (a) That the submitted schedules of works be adopted and approved for inclusion in the Subdivision Agreement with the Owner for the estimated costs of services in:

"CLAUDETTE GARDENS - PHASE 9", Hamilton

City's Share - $ 24,154.51 Owner's Share - $ 182,720.45

(b) That the Mayor and City Clerk be authorized and directed to execute the proposed Subdivision Agreement with the Owner of "Claudette Gardens - Phase 9", Hamilton as well as any other related documents for this subdivision subject to the approval of the City Solicitor; and,

(c) That the approval of the above-noted clauses be subject to the condition that no work be commenced until the Final Plan and Subdivision Agreement has been registered; and,

(d) In the event that the Owner wishes to proceed prior to the registration of the Final Plan and Subdivision Agreement being registered, they should be allowed to do so at their own risk provided that they enter into a standard agreement with the City of Hamilton for pre-servicing; and,

(e) That the City's share of servicing "in Claudette Gardens - Phase 9" subdivision at an estimated cost of $ 24,154.51 be financed from the Account Centre No. 00107 - Reserve for Services Through Unsubdivided Lands.

40. (a) That the following City land be incorporated into the following streets:

Beaverbrook Avenue	Block 150 Part 5	62M-639 62R-14187
Brigade Drive	Part 4	62R-9675
Cadham Boulevard	Block 27	62M-733
Centennial Parkway North	Parts 1 and 2	62R-14233
Piano Drive	Block 39	62M-778

(b) That the by-laws to carry out the incorporation of the said land into the foregoing street be enacted by City Council; and,

(c) That the Commissioner of Transportation be authorized and directed to register the by-laws.

41. That the Commissioner of Public Works and Traffic be authorized to construct a salt storage dome at the Upper Ottawa Public Works yard, to be funded by the Region of Hamilton-Wentworth for the purposes of winter control road maintenance of the Lincoln M. Alexander Parkway.

42. (a) That the following property be declared surplus to the requirements of the City in accordance with Realty Sales Procedural By-law No. 95-049:

"the lands composed of part of Lot 16, Concession 7, in the former Township of Barton, now in the City of Hamilton, being more specifically described as Parts 1 and 2, Plan 62R-10900, containing a total area of 8.19 square metres (88.16 square feet) more or less, being the 0.30 metre reserves abutting part of the easterly limit of 190 Annabelle Street, Hamilton"; and,

(b) (i) That an Offer to Purchase Agreement, duly executed by James Zaborsky and Dorothy Zaborsky, on 1997 September 4 and scheduled to close on or before 1997 November 28, for the lands composed of part of Lot 16, Concession 7, in the former Township of Barton, now in the City of Hamilton, being more specifically described as Parts 1 and 2, Plan 62R-10900, containing a total area of 8.19 square metres (88.16 square feet) more or less, being the 0.30 metre reserve abutting part of the easterly limit of No. 190 Annabelle Street, Hamilton, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $2 be credited to Account No. CH4X501 00102 (Reserve for Property Purchases (Sales)); and,

(ii) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor; and,

(iii) That in accordance with the Real Property Sales Procedural By-law No. 95-049:

(1) satisfactory notice has been given to the Public of the intended sale; and,

(2) no appraisal of the fair market value of the real property intended to be sold was obtained as 1' Reserves are exempt from the appraisal requirements of Section 193 of the Municipal Act; and,

(3) the City Clerk be authorized and directed to execute and issue a certificate of Compliance in the Form prescribed pursuant to Section 193 of the Municipal Act.

43. (a) That the Commissioner of Public Works and Traffic be authorized and directed to construct a 1.5m wide asphalt path on the east side of Covington Street between Barton Street and Cascade Street; and,

(b) That the cost of the path estimated at $15,700 be financed from Current Budget Account No. CH57410 60602.

44. That, in order to improve safety of pedestrians' access to Beulah Park, in respect to a portion of the City alley adjacent to the Park's northerly limit which extends between Beulah Avenue and Miles Court the following be approved:

(a) That the Commissioner of Public Works and Traffic be authorized:

(i) to prepare a by-law in a form satisfactory to the City Solicitor, pursuant to the Municipal Act, (sec. 297) for the City,

1. to assume the easterly one metre portion of the alley frontage on the westerly limit of Miles Court; and,

2. to limit access -- between Miles Court and Beulah Park through the said easterly one metre portion of this alley -- to pedestrians; and,

(ii) to advertise Notice of this proposed by-law for four consecutive weeks in accordance with the Municipal Act; and,

(b) That the Transport and Environment Committee hear any objections to this proposed by-law and make its recommendation to Council; and,

(c) That, subject to the enactment of the proposed by-law, the Commissioner of Public Works and Traffic be authorized and directed to install bollards, signs and related works on the said one metre portion of the City alley beside Miles Court - to enforce the pedestrians only limitation.

45. That purchase orders be issued for the supply and delivery of highway salt as and when required during the 1997/98 Winter Season by the Department of Public Works and Traffic in accordance with specifications issued by purchasing and vendors' tenders and be financed through stock materials Account No. CH56197 60999, as follows:

Sifto Canada	Delivered
Highway Salt	$41.00/tonne

46. That, effective 1997 November 1, the staff complement of the Parking Control Section of the Public Works and Traffic Department be adjusted as follows:

DELETE

Parking Control Officer (presently vacant)	1.0 FTE

ADD

By-law Services Officer	1.0 FTE

47. That all-way stop control be implemented at the intersection of Adair Avenue and Central Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.

48. That all-way stop control be implemented at the intersection of Dunsmure Road and Garfield Avenue South, and that the City Traffic By-law No. 89-72 be amended accordingly.

49. That all-way stop control be implemented at the intersection of Ottawa Street South and Justine Avenue, and that the City Traffic By-law No. 89-72 be amended accordingly.

50. That three-way stop control be implemented at the intersection of Bastille Street and Brigade Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.

51. That all-way stop control be implemented at the intersection of Tenth Avenue and East 43rd Street, and that the City Traffic By-law No. 89-72 be amended accordingly.

52. That three-way stop control be implemented at the intersection of Massena Drive and Byng Street, and that the City Traffic By-law No. 89-72 be amended accordingly.

53. That three-way stop control be implemented at the intersection of Alconbury Drive and Rexford Drive, and that the City Traffic By-law No. 89-72 be amended accordingly.

54. (a) That the minimum road allowance width of 15.0m on Walnut Street from King Street to King William Street be reaffirmed; and,

(b) That lands shown as Part 5 on Reference Plan 62R-14190 be retained by the City of Hamilton for the widening of Walnut Street and that these lands be incorporated by by-law into the public highway; and,

(c) That the Planning and Development Department be advised of these actions.

55. (a) That City Council reaffirm its position of 1996 April 30 respecting CleanSoils Ltd. as follows:

That, due to the environmental impact on the Hamilton Beach Strip Residential Community, the City of Hamilton, through its Chief Administrative Officer, utilize all powers available through City, Regional, Provincial and Federal Departments/Ministries, to proceed as quickly as possible to close down the CleanSoils Limited Waste Disposal Site - Processing Operations located at Pier 26 - Hamilton Harbour East Port Development;"

(b) That the Ministry of Environment and Energy be requested to report to the next meeting of the Transport and Environment Committee on the status of charges and prosecution of CleanSoils respecting non-compliance to the field orders issued by the Ministry of Environment and Energy; and,

(c) That the City of Hamilton urge the Province of Ontario to step up enforcement on all issues of non-compliance of Certificates of Approval; and,

(d) That the Planning and Development Committee be requested to turn down the proposed F-4 Modified Zoning for the CleanSoils Site to support the above resolution and any other similar land use in the Eastport area.

56. That the appropriate By-law prepared by the City Solicitor for Graffiti Prevention, Prohibition and Abatement be forwarded to City Council for enactment.

57. (a) That City Council authorize the Commissioner of Public Works and Traffic to cost share equally with the Aragon Group, the estimated $30,000 required for the replacement of the areaway roof slab in front of the former Woolworth's Building at 19-31 King Street East in conjunction with the construction of sidewalks.

(b) That the Commissioner of Public Works and Traffic be directed to take all necessary actions required to determine the financial responsibility for this work and subsequently to arrange for the City to be reimbursed accordingly.

58. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) A-62 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

(b) A-63 A By-law to Amend Traffic By-law No. 89-72 to Regulate Traffic

(c) A-64 A By-law to Repeal City By-law No. 97-166 Referred to as Appleblossom Drive

(d) A-65 A By-law to Incorporate City Land Designated as Block 39, 62M-778 into Piano Drive

(e) A-66 A By-law to Incorporate City Land Designated as Parts 1 and 2 on Plan 62R-14233 into Centennial Parkway North

(f) A-67 A By-law to Incorporate City Land Designated as Block 27, 62M-733 into Cadham Boulevard

(g) A-68 A By-law to Incorporate City Land Designated as Part 4, Plan 62R-9675 into Brigade Drive

(h) A-69 A By-law to Incorporate City Land Designated as Block 150, Plan 62M-639 and Part 5, 62R-14187 into Beaverbrook Avenue

(i) A-70 A By-law to Authorize the Graffiti By-law

Respectfully Submitted,

Kevin C. Christenson, Secretary
1997 September 22nd

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

PARKS & RECREATION COMMITTEE

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Parks and Recreation Committee presents its **NINTH** Report for 1997 and respectfully recommends:

1. (a) That approval be given to the Director of the Culture and Recreation Department to deaccession the following three dimensional objects from the Hamilton Museum of Steam and Technology:

995.03.01 Electric Generator or Exciter

995.03.02 Air Compressor

995.03.03 Air Receiver

995.03.04 Electric Motor; and,

(b) That the items be disposed of according to the Collections Policy of the Hamilton Museum of Steam and Technology and City of Hamilton Purchasing Policy; and,

(c) That any funds realized from the possible sale of the objects be deposited in the reserve account of the Hamilton Museum of Steam and Technology for future acquisitions.

2. That approval as required by Parks By-law No. 95-126, as amended, Section 11, and under the Standard Terms and Conditions of the Special Events Guidelines, be given to the Hamilton Tiger Cat Football Club (1097694 Ontario Limited) to hold a pre-game party, licensed by the L.L.B.O. on Sunday, 1997 October 5 from 12:00 o'clock noon until 1:30 o'clock p.m., and on Saturday, 1997 October 25 from 12:00 o'clock noon until 1:30 o'clock p.m., in the east end zone of Brian Timmis Stadium.

3. (a) That approval be given to issue a Purchase Order to Beatty Hall Construction Co. Ltd of Hamilton in the amount of $96,860 plus applicable taxes to construct the Expansion of the Children Museum, being the lowest qualified Bid of three (3) received in accordance with the tender documents issued; and,

(b) That approval be given to issue a Purchase Order to the lowest qualified bidder to undertake the site development work as per the contract documents issued by the Purchasing Division and prepared by the Parks Division of the Public Works and Traffic Department, being within the estimated amount and within the approval limits of the Chief Administrative Officer and the Commissioner of Public Works and Traffic; and,

(c) That the Director of the Culture and Recreation Department be authorized to carry a $11,360 Project Contingency to cover any additional unforseen items which may arise, and $15,000 as furnishing allowance; and,

(d) That these expenditures be funded from the following Accounts: Children's Museum Expansion CF709741078; Barrier Free Design Modifications-CF809453005; Risk Management - CF709755034.

4. (a) That the City of Hamilton, as Landlord of LaSalle Park, grant approval to the City of Burlington, Tenant, to permit the following major capital improvements to the infrastructure at LaSalle Park in accordance with Sections 6 and 9 of the LaSalle Park Lease dated 1985 March 28; namely, improvements and modifications to the pavilion's structure and mechanical systems to develop a full service kitchen on the second level and a multi-purpose hall on the east side of the main level, subject to the City of Burlington:

(i) agreeing that Hamilton shall not be obligated under Section 24 of the Lease to pay Burlington for the undepreciated capital improvement cost of the said major capital improvement; and,

(ii) executing an agreement to amend the existing Lease incorporating these approvals and conditions; and,

(iii) providing a copy of the final plans and specifications of the proposed works; and,

(b) That the Mayor and City Clerk be authorized and directed to execute and agreement to amend the Lease of LaSalle Park incorporating these approvals and conditions.

5. (a) That a contract be awarded to Capital Paving Inc., Guelph, Ontario in the amount of $228,023.43, including all taxes and contingency, for the parking lot/entrance reconstruction and construction of the bicycle path at Dundurn Park, being the lowest of seven tenders received in accordance with specifications C-16-35-97 issued by the Purchasing Division and the Vendor's tender, and that this expenditure be financed from Account No. CF5200 809453015, Canada/Ontario Infrastructure Works program - Parking Lots and Pathways; from Account No. CF628743002, Bike Paths/Playscapes - Phases 3 and 4; and Account No. CF629543011 Inter-Regional Trail Program (1995); and,

(b) That a contract satisfactory to the City Solicitor be entered into between the City and Capital Paving Inc. of Guelph, Ontario; and,

(c) That the Mayor and City Clerk be authorized and directed to execute the associated contract in a form satisfactory to the City Solicitor.

6. That a purchase order be issued to ARK-TECH Contracting, Ancaster, Ontario in the amount of $92,913.45 including all taxes and contingency for the electrical service and distribution installation at T.B. McQuesten Park, being the lowest of five tenders received in accordance with specifications C16-3897 issued by the Purchasing Division and the Vendor's tender, and that this expenditure be financed from Capital Account No. CF5010 629254005 - T.B. McQuesten Park Development.

7. (a) That the City accept a donation from the Hamilton-Wentworth Chapter of Child Find Ontario to upgrade an existing pathway through Warden Park from Lake Avenue North to Glenburn Court; and,

(b) That upon completion of the upgrades, the trail be named "The Green Ribbon of Hope Trail"; and,

(c) That the capital project file for upgrading of the trail through Warden Park be prepared and submitted for consideration in the 1998-2007 Capital Budget process.

8. (a) That the property at No. 563 Aberdeen Avenue be declared surplus to the requirements of the City and available for sale; and,

(b) That the Real Estate Division of the City Clerk's Department be authorized to give notice of the proposed property sale in compliance with the Realty Sales Procedural By-law.

Respectfully Submitted,

ALDERMAN F. EISENBERGER, CHAIRMAN
PARKS AND RECREATION COMMITTEE

Kevin C. Christenson, Secretary

1997 September 23

PLANNING & DEVELOPMENT COMMITTEE

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its **FOURTEENTH** Report for 1997 and respectfully recommends:

1. (a) That approval be given to Subdivision Application 97-03 (Regional File No. 25T-97007), Pasquale Campea and Angelo Loro, owner, to establish a draft plan of subdivision "Brigadoon Park", on lands located north of Stone Church Road West, west of West Fifth Street and west of the southerly extension of Brigadoon Drive, in the Gourley Neighbourhood, as shown on the attached map marked as Appendix "A" subject to the following conditions:

   (i) That this approval apply to the plan as revised in red, prepared by Urbex Engineering Limited and certified by J. P. Woolley, O.L.S., dated May 27, 1997, showing 12 lots for single detached dwellings and two streets identified as Street "A" and Brigadoon Drive, attached as Appendix "B"; and,

   (ii) That the Owner establish Streets "A" (from Stone Church Road to Brigadoon Drive) and Brigadoon Drive (from the east limits of the draft plan to the west limits of Street "A") to their full width and that these lands be conveyed to the City of Hamilton prior to registration of the final plan of subdivision; and,

   (iii) That the Owner establish a 12.0m by 12.0m daylight triangle, taken from the widened limits of Stone Church Road and Street "A" as part of Street "A" on the final plan of subdivision; and,

   (iv) That the Owner establish a paved Public access road connecting Stone Church Road West to the existing limit of Brigadoon Drive adjacent to Lot 1; and,

   (v) That Brigadoon Drive align centreline to centreline with Brigadoon Drive as established by Plan 62M-768 to the satisfaction of the Commissioner of Transportation, as redlined; and,

   (vi) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,

(vii) That Street "A" be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(viii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(ix) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(x) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(xii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(xiii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. The approved plan will include the following:

1. All erosion and sediment control measure shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

2. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,

3. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

4. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,

(xiv) That the applicant prepare and implement a detailed grading plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall be developed in conjunction with the tree preservation and landscape plan; and,

(xv) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall address water quality and quantity issues and will ensure that post developments flows will equal pre-development levels and that current provincial drainage and stormwater quality guidelines are implemented; and,

(xvi) That the applicant prepare and implement a tree preservation and landscape plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the City of Hamilton. This plan shall show how existing vegetation will be maintained with development and highlight replacement trees for vegetation removed as part of the development of this subdivision; and,

(xvii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xviii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97007), Pasquale Campea and Angelo Loro, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.

2. (a) That approval be given to Official Plan Amendment No. 141 to redesignate the proposed neighbourhood park at the easterly portion of the Carpenter Neighbourhood adjacent to the future school sites from "Open Space" to "Residential" and to redesignate a 1.04 hectare parcel of land abutting the westerly park site from "Residential" to "Open Space", as shown on Appendix "C" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Subdivision Application 97-04 (Regional File No. 25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd., owners, to establish a draft plan of subdivision "Paradise Meadows", on lands located south of Rymal Road West, north of the City of Hamilton/Township of Glanbrook municipal boundary, west of the future extension of Garth Street and east of Upper Paradise Road, in the Carpenter Neighbourhood, as shown on the attached map marked as Appendix "D" subject to the following conditions:

(i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by W. M. Fenton, O.L.S. of W. M. Fenton Limited, dated 1997 June 9, showing 249 lots for single detached dwellings, 14 blocks for street townhouse units, 2 blocks for condominium townhouse units, 1 block for parkland, and 10 streets, attached as Appendix "E"; and,

(ii) That the Streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,

(iv) That the owner apply for and receive final approval for changes in zoning from the established "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "R-4" (Small Lot Single Family) District and "RT-20" (Townhouse - Maisonette) District prior to the registration of any phase of development; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,

(vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,

(viii) That Blocks 266 and 267 be developed in conjunction with the adjacent lands; and,

(ix) That Blocks 250 and 265 not be registered until such time as the applicant has acquired the abutting lands located adjacent to the future extension of Garth Street and that Blocks 250 and 265 be developed in conjunction with the abutting lands; and,

(x) That the Owner agree to include the following clauses in a registered portion of the subdivision agreement, be registered on title of all lots within the plan of subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and City Solicitor:

"Purchasers are advised that access to the future school will be provided from Street 'G'"

(xi) That if the development of this subdivision is to proceed in phases then the Owner must provide a staging plan to the satisfaction of the Manager, Traffic Planning, Department of Public Works and Traffic and the Manager, Development Engineering Section, Regional Environment Department; and,

(xii) That any dead end streets resulting from the staging of development include the provision of temporary turnarounds to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic; and,

(xiii) That if the development of Blocks 264 and 265 occur prior to the establishment and construction of the future south extension of Garth Street, then the Owner shall provide a temporary turnaround at the easterly limits of Street "B" to the satisfaction of the Manager of Traffic Planning, Department of Public Works and Traffic; and,

(xiv) That Street A must be established to a minimum width of 26m from the southerly limits of Rymal Road West to a point approximately 90 metres southerly to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(xv) That during the first phase of development of this draft plan of subdivision, a street connection to Highridge South plan of subdivision must be established and constructed either through the Eagleglen Way Ext. to the west or through the extension and construction of Upper Paradise Road and Street A; and,

(xvi) That all streets, other than the cul-de-sacs noted, be established to a width of minimum road allowance width of 20m; and,

(xvii) That the Owner be required to provide 1m by 1m daylight triangle road widenings at the intersection of all 18m and 20 metre road allowances; and,

(xviii) That Street G be established at 20m instead of 18m; and,

(xix) That the Owner be required to provide minimum 10m radius transitions into and out of the cul-de-sac bulbs on streets established at an 18m road allowance width; and,

(xx) That the Upper Paradise Road Extension must align centreline to centreline with Upper Paradise Road in Highridge South plan of subdivision; and,

(xxi) That the centreline radius of Street A, from the north end of the subdivision southerly to Street J be increased to approximately 400m; and,

(xxii) That the roadway configuration at the south end of the subdivision be revised in accordance with the approved Carpenter Neighbourhood Plan, as shown on Appendix "F" to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department and the Director, Planning and Development Department; and,

(xxiii) That Street B must be established to a 26m road allowance width from the extension of Garth Street to a point approximately 90 metres westerly and that the road widenings to establish the 26m road allowance be established equally on each side of the street; and,

(xxiv) That 12m by 12m daylight triangles be established at the widened intersection limits of Street B and Garth Street. The extension of Street B to Garth Street will require the acquisition of the strip of land not owned by the City or the applicant; and,

(xxv) That all lands south of the Public School Board lands and east of Street I not be developed until such time as the alignment of Garth Street through the Hydro Corridor to the Township of Glanbrook be approved to the satisfaction of the Township of Glanbrook, Ontario Hydro, the City of Hamilton Department of Public Works of Traffic and the Region of Hamilton-Wentworth. Any lands within this draft plan of subdivision which may be required for the extension of Garth Street be must shown as a Block on the final plan for road widening purposes; and,

(xxvi) That the applicant/owner prepare curb radius drawings at the intersection of Street I and J to the satisfaction of the Region prior to the final approval of the cul-de-sac on Street J; and,

(xxvii That the street line adjacent Lots 229, 230 and 231 be realigned to provide a straight transition into the cul-de-sac bulb; and,

(xxviii) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:

(1) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(3) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch; and,

(4) All disturbed areas will be revegetated with permanent cover immediately following completion of construction; and,

(xxix) That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues ad will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented; and,

(xxx) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

(xxxi) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,

(c) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-97009), DiCenzo Construction Company Ltd. and Vedemo Construction Ltd, owners, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(d) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision; and,

(e) That the approved Carpenter Neighbourhood Plan be amended as shown on Appendix "F", to revise the local road pattern and park location as per the proposed draft plan of subdivision.

3. (a) That approval be given to Official Plan Amendment No. 142 to redesignate the rear portion of the subject lands from "Residential" to "Commercial" on Schedule A and extend Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to Zoning Application ZAC-97-17, R. Denninger Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "1") and "AA" (Agricultural) District to "HH" (Restricted Community Commercial and Shopping, etc.) District modified (Block "2"), to permit the use of the subject lands for commercial development, for lands located at 1289 Upper James Street, as shown on the attached map marked as Appendix "G", on the following basis:

(i) That Block "1" be rezoned from "C" (Urban Protected Residential etc.) District to "HH" (Restricted Community Commercial and Shopping, etc.) District; and,

(ii) That Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Commercial and Shopping, etc.) District; and,

(iii) That the "HH" (Restricted Community Commercial and Shopping, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special requirements:

(1) Notwithstanding Section 14A(3)(a) of Zoning By-law 6593, a front yard depth of at least 24 metres shall be provided and maintained; and,

(2) Notwithstanding Section 18(3)(ivc)(b) of Zoning By-law 6593, a landscape planting strip having a minimum width of 6.0 m shall be provided and maintained along the entire easterly lot line of the "HH" District where it abuts a residential district; and,

(3) That a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the entire easterly lot line of the "HH" District where it abuts a residential district; and,

(4) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the entire westerly lot line, except for any area used for driveway access; and,

(iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1388, and that the subject lands on Zoning District Map E-9C be notated S-1388; and,

(v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,

(vi) That the proposed change in zoning are in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 142 by the Regional Municipality of Hamilton-Wentworth; and,

(b) Upon finalization of the implementing By-law the Jerome Neighbourhood Plan be amended by changing the designation of the subject lands from "Commercial and Apartments" to "Commercial".

4. That approval be given Amended Zoning Application ZAC-97-12, A.R.P. Construction Ltd., owner, for a modification to the established "DE" (Low Density Residential Dwelling) District regulations to permit the development of five (5) townhouse units for property located at 780 Upper Paradise Road, as shown on the attached map marked as Appendix "H", on the following basis:

   (a) That the "DE" (Low Density Multiple Dwelling) District regulations, as contained in Section 10A of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

      (i) That notwithstanding Section 10A, a maximum of five (5) townhouse dwellings shall be permitted subject to the "RT-20" (Townhouse-Maisonette) District provisions of Section 10E, except for the following:

         (1) A minimum 3.0 m setback shall be permitted along the northerly lot line; and,

         (2) A minimum 1,131.58 m^2 lot area shall be permitted; and,

      (ii) That notwithstanding Section 18A(1) a minimum six (6) parking spaces shall be required; and,

   (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1389, and that the subject lands on Zoning District Map W37B be notated S-1389; and,

   (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W37B for presentation to City Council; and,

   (d) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

5. That the request of the Business Improvement Area Co-ordinating Committee for Commercial Improvement Programme funding, in the amount of $315,000 which will result in the funding of $15,000 per year, for each of the seven B.I.A.'s over the next three years, be referred to the Corporate Management Team with instructions that it be considered a priority in the 1998 - 2007 Capital Budget Deliberations.

6. (a) That Schedule 'B' of By-law No. 97-105, appointing the Downtown Hamilton B.I.A. Board of Management, be repealed and the following names substituted:

SCHEDULE 'B'

J. Livingston	Livingston Furs
R. Harris	Harris and Henderson

C. Jamieson	Fever Night Club/The Parlour/Montfort Restaurant
A. Peckham	The Royal Bank
H. Woods	Canadian Imperial Bank of Commerce
K. Findlay	KD Findlay
G. Attard	The Ramada Hotel
D. Broker	Royal Connaught Howard Johnson Hotel
R. Titian	Reggie's Music and Sound
R. Letourneau	Just Imagine Printing
A. Herpers	Herpers, Gowling Inc.
R. Sorenson	Sundried Tomatoes
M. McNally	Jesset Investments
K. Wiegand	McCarthy Hearing Aids

(b) That the City Solicitor be directed to amend Schedule 'B' of By-law No. 97-105 pursuant to (a) above.

7. (a) That the Downtown Hamilton B.I.A. boundaries be expanded to incorporate businesses on the east side of James Street North from the existing boundary to No. 44 James Street North and, on the north side of King William Street from James Street North to Mary Street, as per Appendix "I"; and,

(b) That the City Clerk's Department be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Section 220 of the Municipal Act; and,

(c) That the Law Department be authorized and directed to prepare the necessary amending by-law.

8. (a) That a letter be sent to the Minister of Canadian Heritage advising that the City supports the recommendation of the Department of Canadian Heritage to implement a Heritage Easement Agreement with the Ontario Heritage Foundation as part of the terms of sale of the CN Station located at 360 James Street North/241 Stuart Street, Hamilton, to the prospective owners in order to ensure the preservation of the railway station; and,

(b) That approval be given to the Ontario Heritage Foundation's request for a municipal contribution towards monitoring the Heritage Easement consisting of the following:

(i) a one-time contribution to the Ontario Heritage Foundation in the amount of $8,300 to be financed through the Heritage Acquisition Reserve Account (Centre No. CH00120); and,

(ii) annual site visits to be undertaken by municipal Heritage Planning Staff.

9. That approval be given to amend the Gore Heritage 2000 Program by providing an additional matching grant of up to $20,000 for heritage properties in the Gore Heritage Area (King Street East from James Street to Catharine Street) with a frontage of fifty (50) feet or more.

10. That the Building Commissioner be authorized to issue a demolition permit for 139 Stone Church Road East in accordance with By-law No. 74-290 pursuant to Section 33 of The Planning Act, as amended.

11. That a loan under the Community Heritage Trust Fund Program in the amount of $9,782 to Ethel Gowling for improvements to 141 St. Clair Avenue be approved, subject to the fulfilment of the borrowing requirements of the Program.

12. (a) (i) That a loan increase of $7,237 to Octavio and Mirella Raposo for improvements to 353 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now $25,000. The interest rate is set at 2.38 per cent, amortized over ten years; and,

(ii) That an increase in grant from the Barton Street Revitalization Fund in the amount of $3,619 be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program; and,

(b) (i) That an unsecured loan from the Barton Street Revitalization Fund in the amount of $5,000 to Octavio and Mirella Raposo, for improvements to 353 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(ii) That a grant from the Barton Street Revitalization Fund in the amount of $2,500 be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

13. (a) That a secured loan in the amount of $17,229 to Notarianni Investments Limited, for improvements to 333 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 2.38 per cent, amortized over 10 years; and,

(b) That a grant from the Barton Street Revitalization Fund in the amount of $8,614 be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

14. (a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc., owner, for a Validation Certificate pursuant to Section 57 of the Planning Act for Lots 3, 5, 7 and 12, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2", as shown on Appendix "J"; and,

(b) That the City Solicitor be directed to prepare a By-law in accordance with Section 57 of the Planning Act to legalize the creation of maintenance easements for Lots 3, 5, 7 and 12, Registered Plan 62M-795, "Allison Estates - Phase 1, Stage 2".

15. (a) That the request of Mr. Anthony DiCenzo, Solicitor for DiCenzo Construction Company, owner, to remove part-lot control be approved to establish maintenance easements for Lots 59, 62, 63, 64, 65, 68, 69, 70 and 71, Registered Plan 62M-780 "Sandrina Gardens - Phase 2", as shown on Appendix "K"; and,

(b) That the exempting By-law be restricted to a 1 year effective time period to expire on 1998 October 1; and,

(c) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lots 1 to 24 inclusive and Lots 60, 61, 62, 65, 66, 67, 68, 71 and 72, Registered Plan 62M-780, "Sandrina Gardens - Phase 2" plan of subdivision, be presentation to City Council; and,

(d) That following enactment of this By-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the By-law and endorse the same on the by-law.

16. (a) That approval be given to Part Lot Control Application 97-02, James Kemp Construction Limited, owner, to remove part-lot control for Lot 9, located in "Kemp Estates" Subdivision, to permit the conveyance of 2 blocks to the abutting lots, as shown on the attached map marked as Appendix "L"; and,

(b) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lot 9, Registered Plan 62M-812, "Kemp Estates" plan of subdivision, for presentation to City Council; and,

(c) That the exempting by-law be restricted to a 1 year effective time period to expire on 1998 October 1; and,

(d) That the exempting by-law not be forwarded to Council for adoption until such time as the following conditions have been satisfied:

(i) The Owner registering the following Restriction on Title for Lots 8, 9 and 10 to the satisfaction of the Director of Planning and Development and the City Solicitor:

"No buildings or structures shall be allowed to be located within 7.62 metres of the "Top of Bank" as defined by the Hamilton Region Conservation Authority as shown on Plan 62M-812. The area below the "Top of Bank Line" shall be left in its natural state. The planting of non-native species shall not be permitted. The use of fertilizer or pesticides, the placement of any material, equipment or structure within this area shall not be permitted."

(ii) The Owner revise the approved grading plan to match the proposed lot line configuration to the satisfaction of the Commissioner, Regional Environment Department; and,

(e) That following the enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

17. That the City of Hamilton accept the sum of $ 28,400 as cash payment in lieu of 5% land dedication in connection with "Claudette Gardens - Phase 9", Hamilton, this being the cash payment required under Section 51 of the Planning Act.

18. (a) That the City of Hamilton request the Regional Municipality of Hamilton-Wentworth to remove the deferral of the medium density designation on Schedule A5 - Secondary Plan and Policy 13.5.15 of the City of Stoney Creek Official Plan Amendment No. 66 (Olde Town Secondary Plan) provided the following modifications are included in OPA No. 66:

(i) that Policy 13.5.15 be amended by adding the following words "for residential purposes which may include single-detached dwellings, semi-detached dwellings, townhouses and" between the words 'developed' and 'multiple' so the first paragraph of the policy reads as follows:

"Those lands designated Medium Density Residential by this Plan and located at No. 71 Centennial Parkway (Cardinal Newman Site), are intended to be comprehensively developed for residential purposes which may include single-detached dwelling, semi-detached dwellings, townhouses and multiple dwelling structures in consultation with the City of Hamilton. In the interim, the uses of these lands shall continue for institutional purposes."

(ii) That Policy 13.5.15 be amended by adding a second paragraph as follows:

"Any redevelopment of the Stoney Creek portion of this site will not provide direct vehicular access to Cromwell Crescent in the City of Hamilton. In addition, the height of new buildings adjacent to existing single detached dwellings and future single-family dwelling fronting on Cromwell Crescent will be compatible; however, somewhat higher buildings may be permitted on other portions of the site."

(b) The City Clerk be requested to inform the City of Stoney Creek of the City of Hamilton's request to lift the deferral for the above noted policy and Secondary Plan designation provided the modifications to Policy 13.5.15 are incorporated in accordance with Section (a) above.

19. (a) That approval be given to the request of J. Parente, Solicitor, for 200 Rymal Road Inc., owner, to remove part-lot control to establish maintenance easements for Lots 1 - 16, inclusive, and Blocks 20 - 22, inclusive, Registered Plan 62M-823 "Allison Estates - Phase 4", as shown on Appendix "M"; and,

(b) That the exempting by-law be restricted to a 1 year effective time period to expire on 1998 October 1; and,

(c) That the Director of Planning and Development be authorized to prepare a By-law, to the satisfaction of the City Solicitor, to remove part lot control from Lots 1 - 16, inclusive, and Blocks 20 - 22, inclusive, Registered Plan 62M-823 "Allison Estates - Phase 4" plan of subdivision, be presented to City Council; and,

(d) That following enactment of this by-law, the Regional Municipality of Hamilton-Wentworth (as delegate of the Minister of Municipal Affairs) be requested to grant approval to the by-law and endorse the same on the by-law.

20. That the total outstanding Commercial Property Improvement Loan Program for Andrea DiSiena, 253 James Street North, in the amount of $2,971.57 be placed on the tax rolls.

21. That the total outstanding Commercial Property Improvement Loan Program for 84 - 84 1/2 Ottawa Street North, in the amount of $8,575.83 be placed on the tax rolls.

22. That the total outstanding Commercial Property Improvement Loan Program for 213, 215, 217 Ottawa Street North, Hamilton, in the amount of $33,007.36 be placed on the tax rolls.

23. That the appropriate staff (eg. Law and Planning and Development Departments) be authorized to attend the Ontario Municipal Board hearing in support of the Committee of Adjustment decision to deny Application No. A-97-159, respecting property located at No. 35 Proctor Boulevard.

24. (a) That a Steering Committee be established under the auspices of the Commissioner of Public Works and Traffic, to address the pending impact of Bill 106 "The Fair Municipal Finance Act" on B.I.A.'s which comes into effect 1998 January 1; and,

(b) That the composition of the Steering Committee be as follow:

(i) Two elected officials

(ii) A representative from the Public Works and Traffic Department

(iii) A representative from the City Clerk's Department

(iv) A representative from the Treasury Department

(v) Three members of the B.I.A. Co-ordinating Committee; and,

(c) That the Steering Committee be requested to review Bill 106 and address the following:

(i) The appropriate process for approval of the 1998 B.I.A. Budgets

(ii) The appropriate process for approval of the 1998-2000 B.I.A. Boards of Management

(iii) Municipal/B.I.A. division of responsibilities; and,

(d) That the Steering Committee report back its findings to the Committee at its October meeting.

25. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) C-57 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal No. 120 Ferrie Street.

(b) C-58 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located Between Municipal Nos. 14 and 24 East 35th Street.

(c) C-59 A By-law to Amend Zoning By-law No. 6593 Respecting Land Located East of Omni Boulevard and North of Stone Church Road West.

(d) C-60 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal No. 100 Locke Street South.

(e) C-61 A By-law to Amend By-law No. 87-308 as Amended by By-laws No. 92-079 and 97-54 Respecting Members of the Board of Management of the Barton Village Business Improvement Area.

(f) C-62 A By-law to Amend By-law No. 92-078 as Amended by By-law No. 97-014 Respecting Members of the Board of Management of the Main Street West Esplanade Business Improvement Area.

(g) C-63 A By-law to Designate Land Located at Municipal No. 100 West Fifth Street as Property of Historic and Architectural Value and Interest.

(h) C-64 A By-law to Amend Zoning By-law No. 6593 Respecting Lands Located at Municipal Nos. 1468 and 1478 Upper James Street.

(i) C-65 A By-law to Establish Site Plan control Respecting Lands Located at Municipal Nos. 1468 and 1478 Upper James Street.

(j) C-66 A By-law to Adopt Official Plan Amendment No. 141 Respecting Lands Located South of Rymal Road West and East of Upper Paradise Road within the Carpenter Neighbourhood.

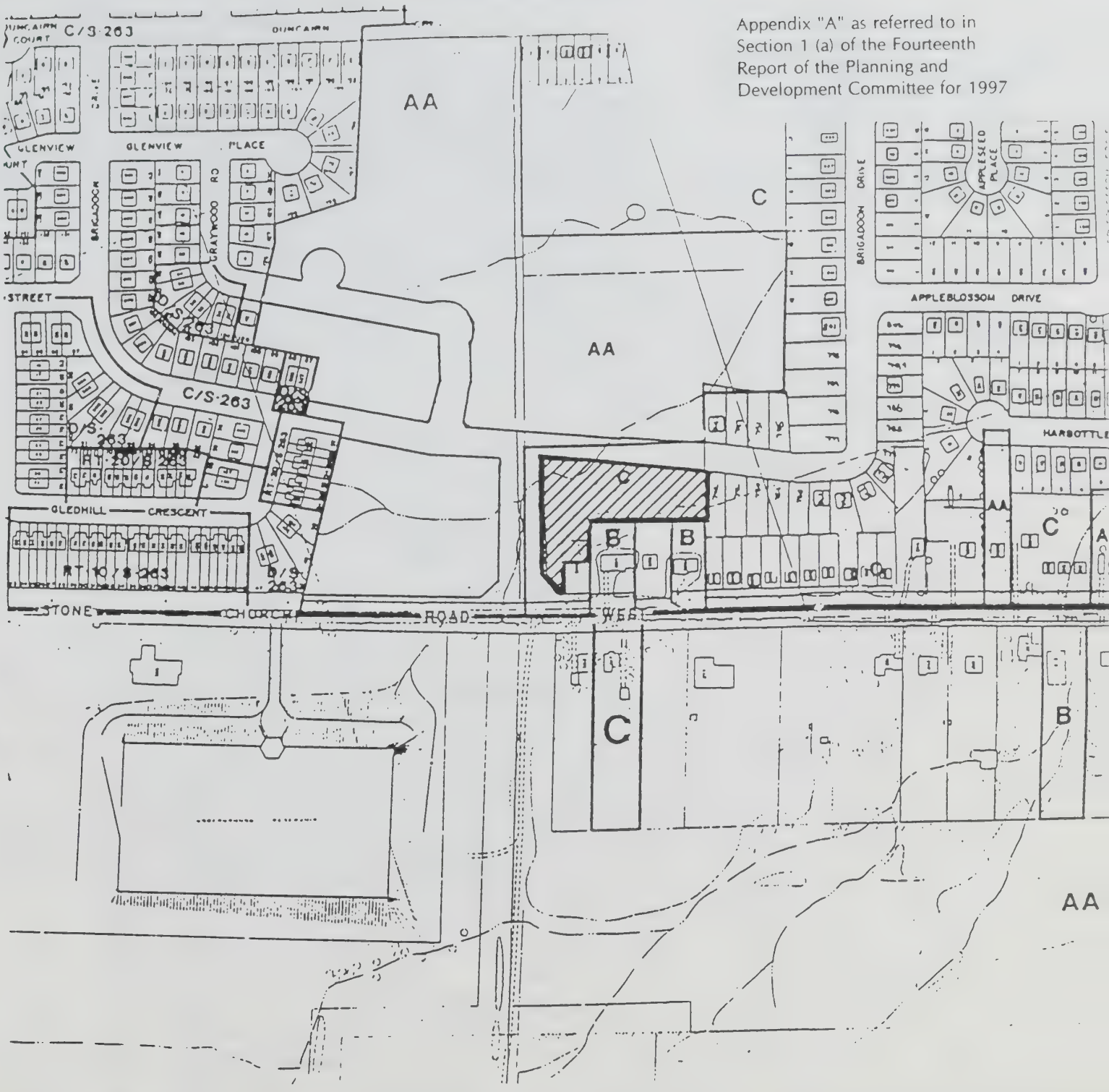
Respectfully submitted,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Kevin C. Christenson, Acting Secretary

1997 September 24

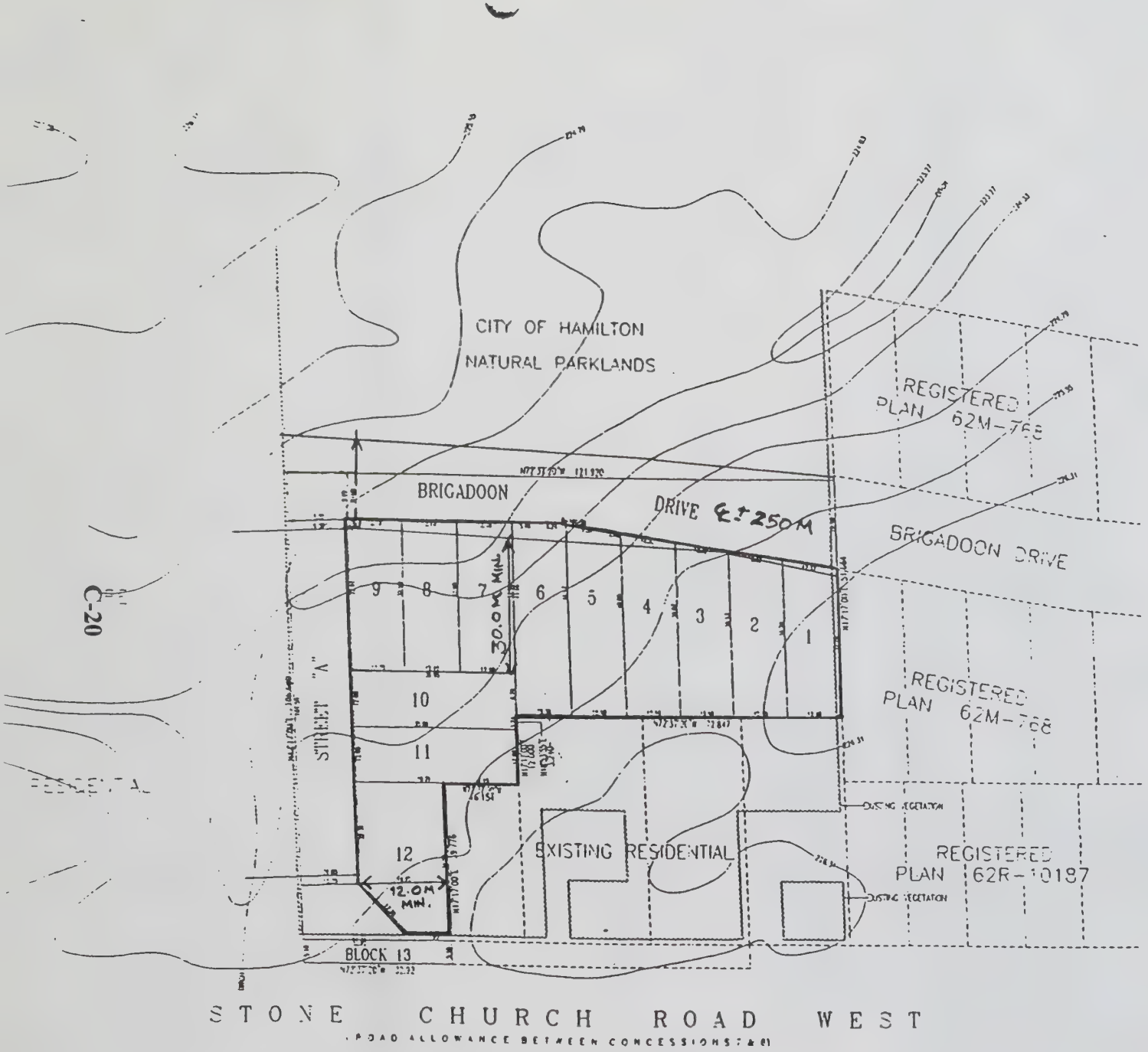
Appendix "A" as referred to in Section 1 (a) of the Fourteenth Report of the Planning and Development Committee for 1997



Legend

Site of the Application

Reference File No	
SAC-97-03	
Drawn By	Date
S.H.	Aug 199
Scale	
Not to Scale	
North	



C-20

FOR
BRIGADOON PARK
HAMILTON, ONTARIO

LAND USE SCHEDULE

OWNER'S CERTIFICATE

SURVEYOR'S CERTIFICATE

No REVISION

KEY

SCALE 1:500

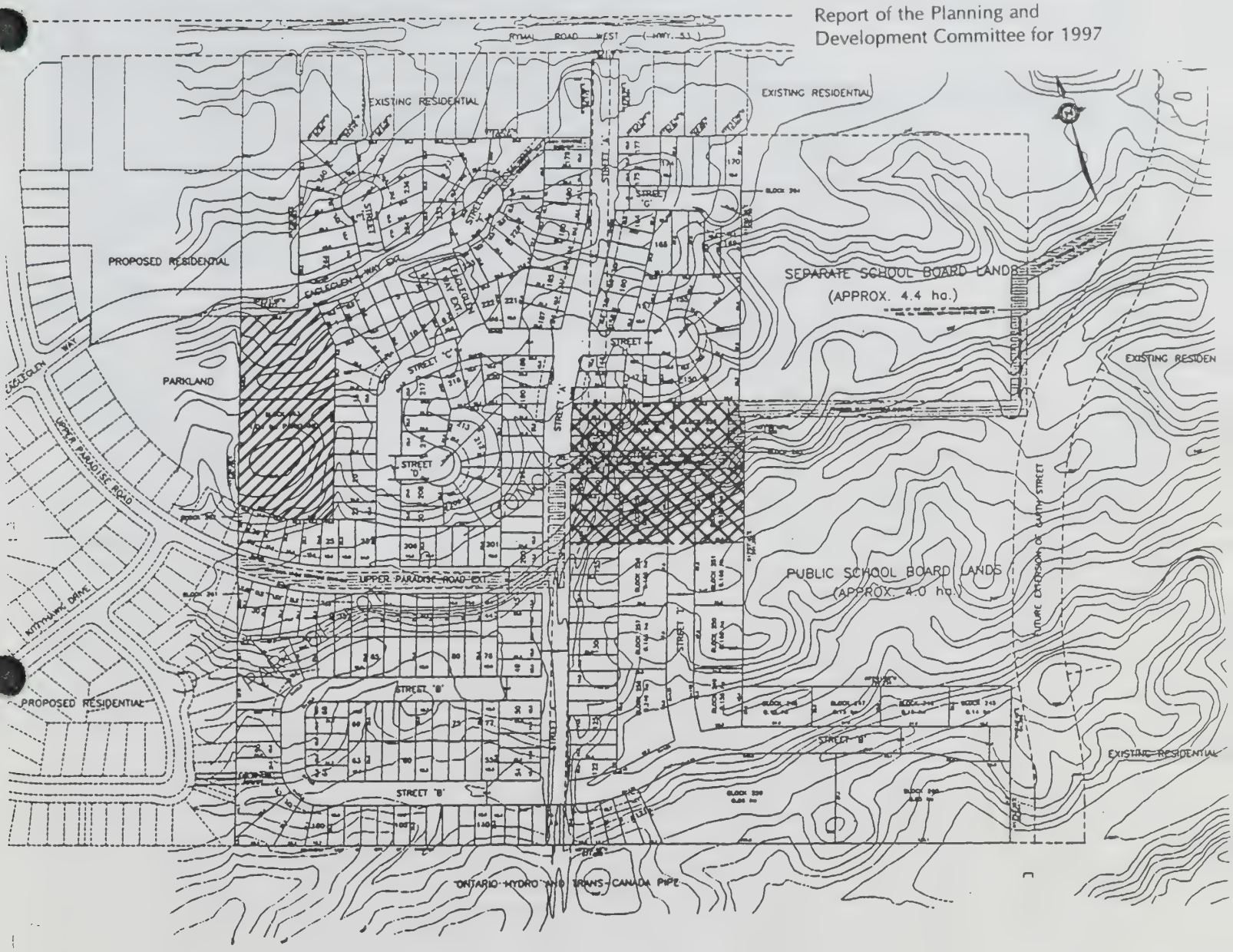
DRAWN BY

1997 September 30

Appendix "B" as referred to in Section 1 (a) (i) of the Fourteenth Report of the Planning and Development Committee for 1997

APPENDIX "B"
Proposed Plan of Subdivision

Appendix "C" as referred to in Section 2 (a) of the Fourteenth Report of the Planning and Development Committee for 1997



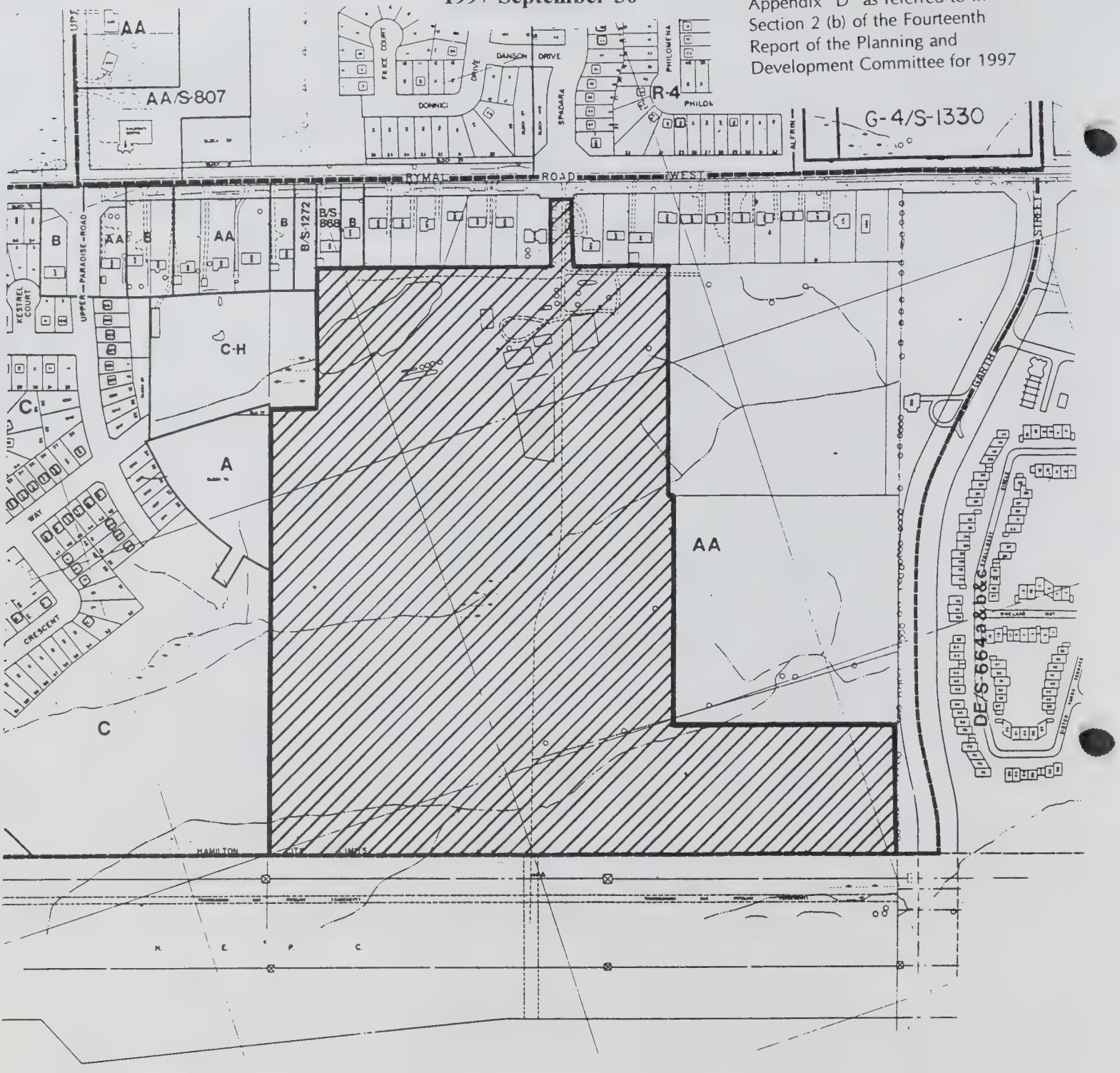
Legend

BLOCK 1 — Lands to be redesignated from "Open Space" to "Residential" (Lots 127 - 143, inclusive, and Blocks 252 -255, inclusive, on proposed Draft Plan of Subdivision)

BLOCK 2 — Lands to be redesignated from "Residential" to "Open Space" (Block 263 on proposed Draft Plan of Subdivision)

Reference File No.	
SAR-97-04	
Drawn By	Date
R.L.	August 1997
Scale	
Not to Scale	
North	

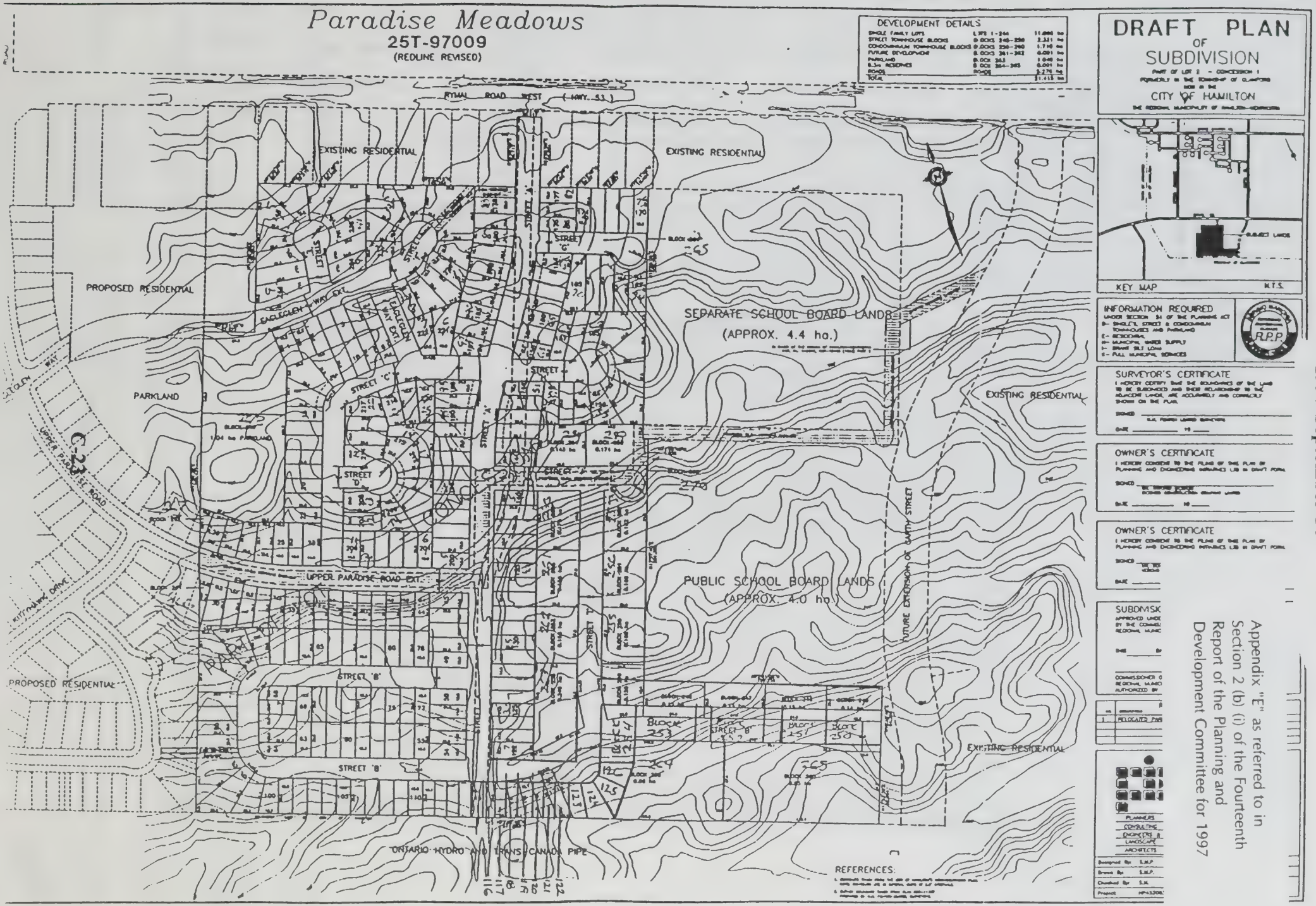
Appendix "D" as referred to in Section 2 (b) of the Fourteenth Report of the Planning and Development Committee for 1997



Legend

Site of the Application

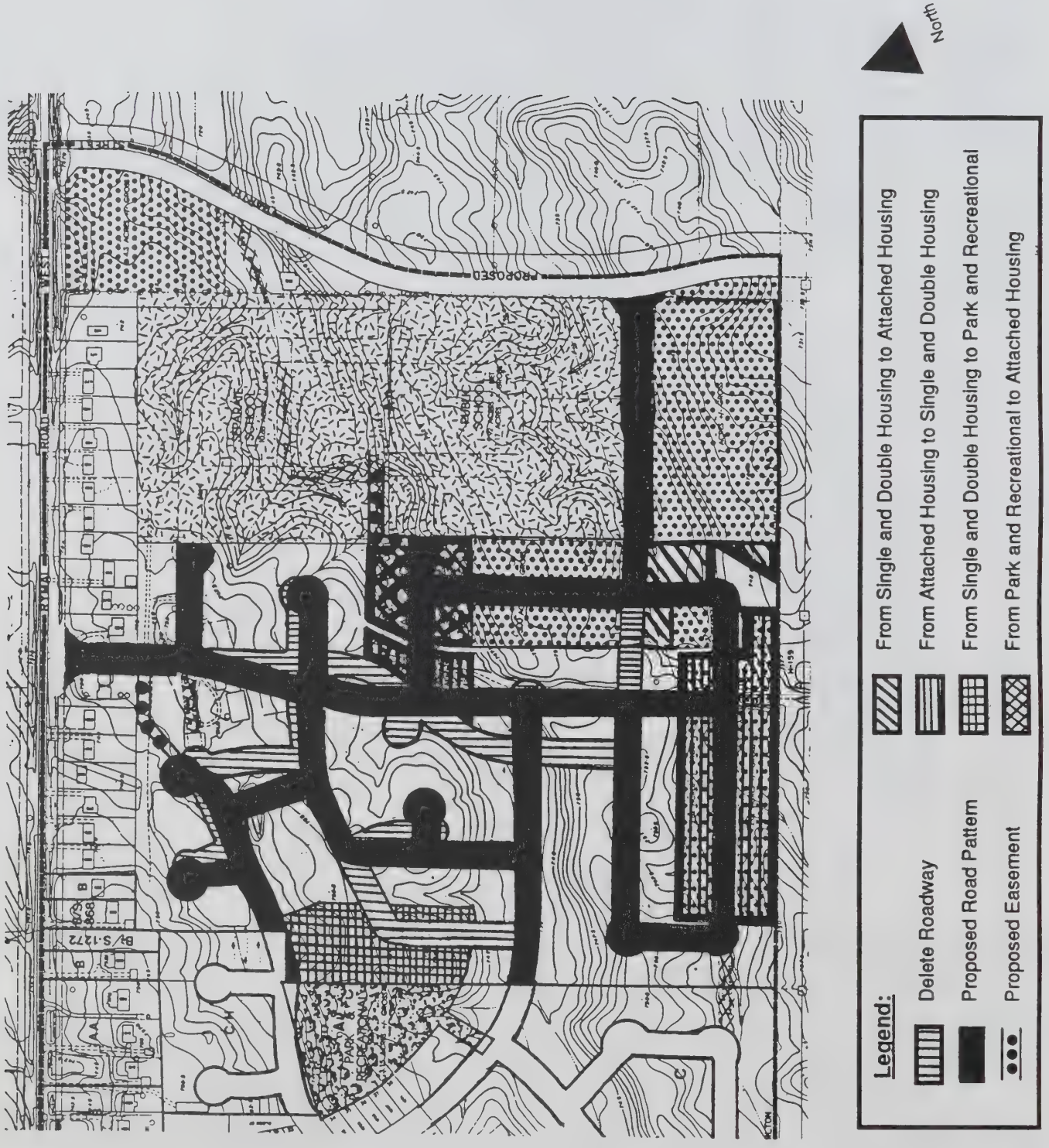
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Drawn By	Date
B.B.	Aug. 1997
Scale	
Not to Scale	
North	



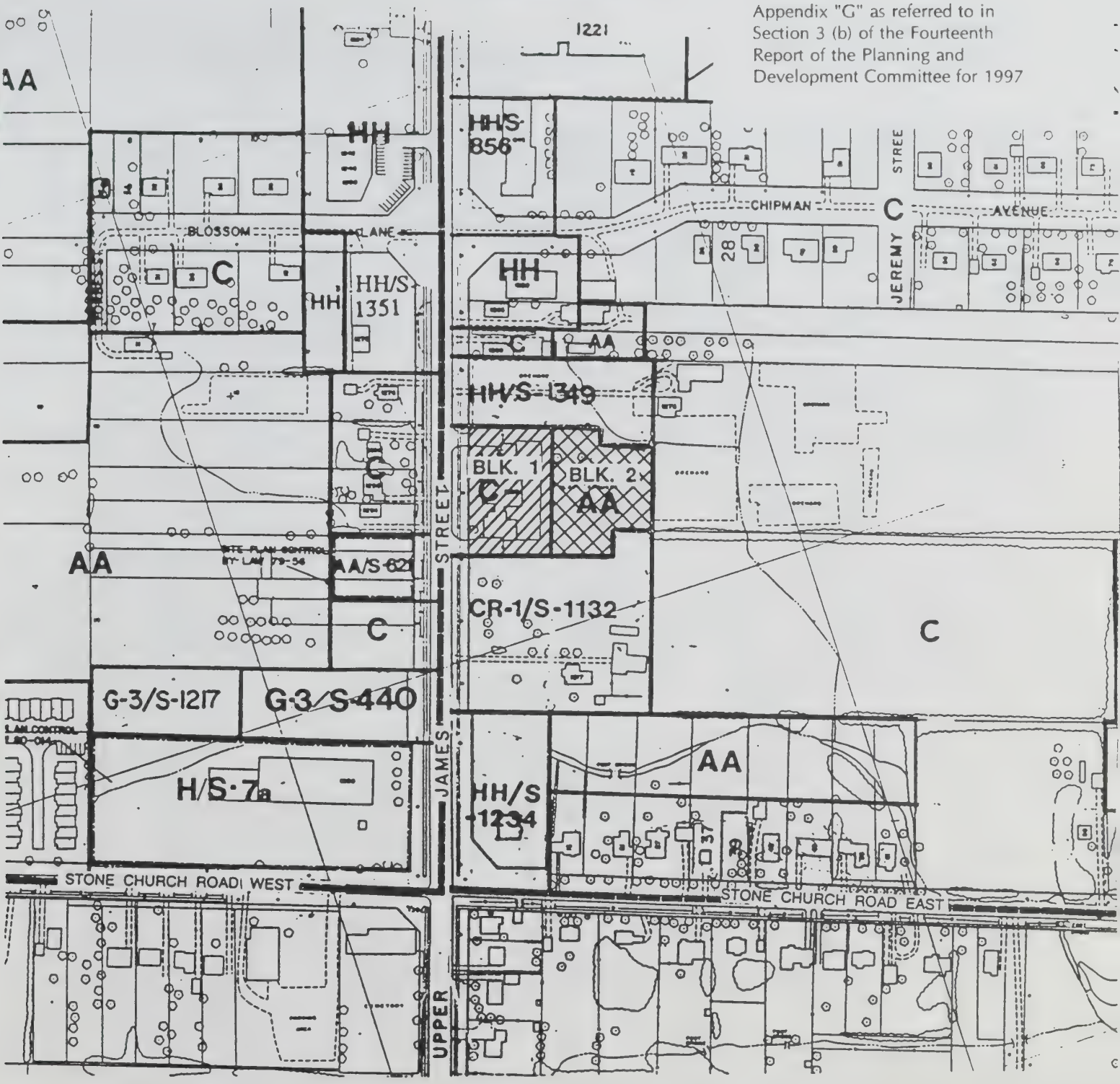
1997 September 30

Appendix "E" as referred to in Section 2 (b) (i) of the Fourteenth Report of the Planning and Development Committee for 1997

Appendix "F" as referred to in
Section 2 (b) 22 of the Fourteenth
Report of the Planning and
Development Committee for 1997



Appendix "G" as referred to in Section 3 (b) of the Fourteenth Report of the Planning and Development Committee for 1997



Legend

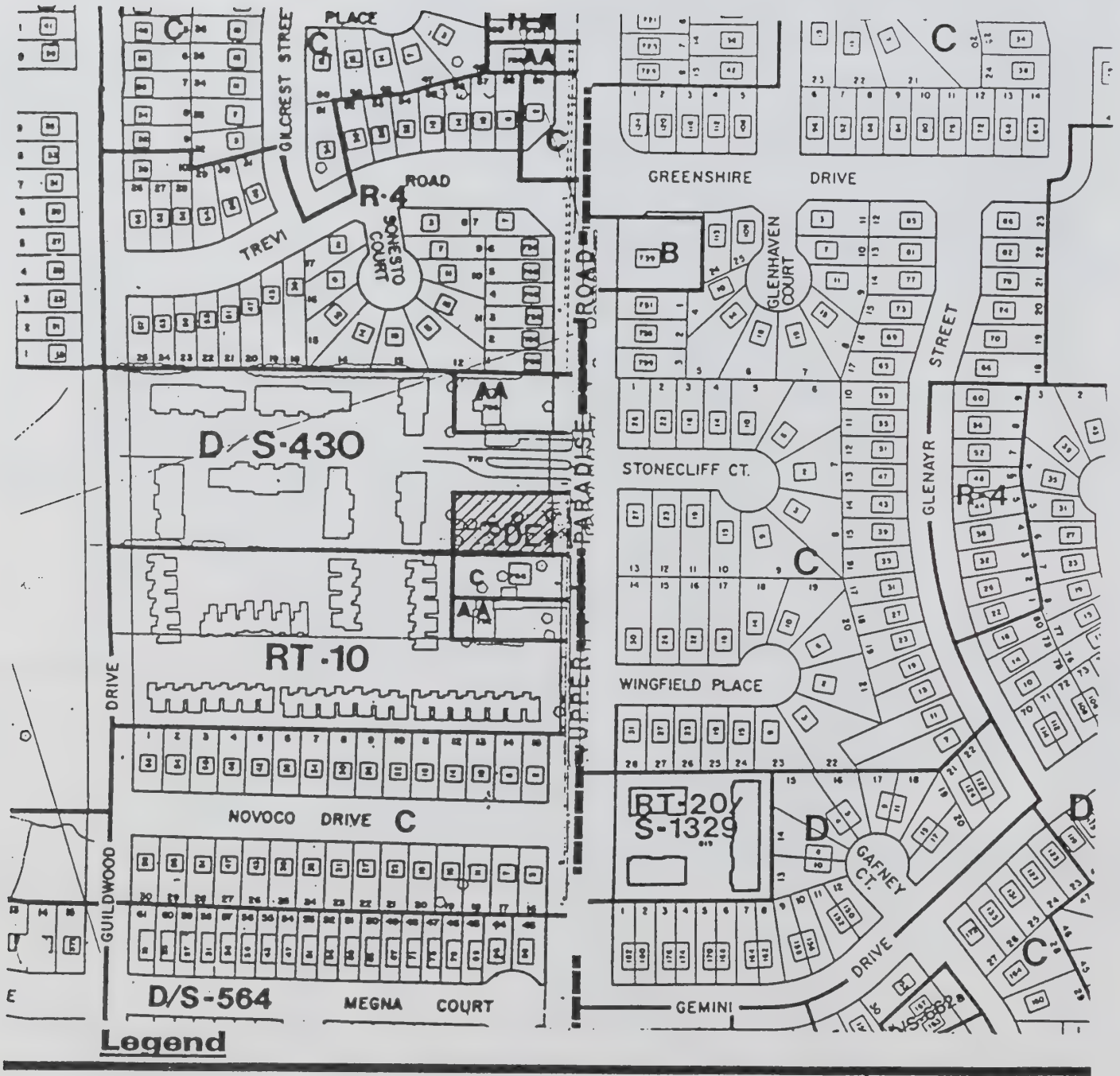
CHANGE IN ZONING FROM :

BLOCK 1 — "C"(Urban Protected Residential, etc.) District To "HH"(Restricted Community Shopping and Commercial) District, Modified.

BLOCK 2 — "AA" (Agricultural) District To "HH" (Restricted Community Shopping and Commercial) District, Modified.

Reference File No.	
ZAC-97-17	
Drawn By	Date
R.L.	Sep. 1997
Scale	
Not to Scale	
North	

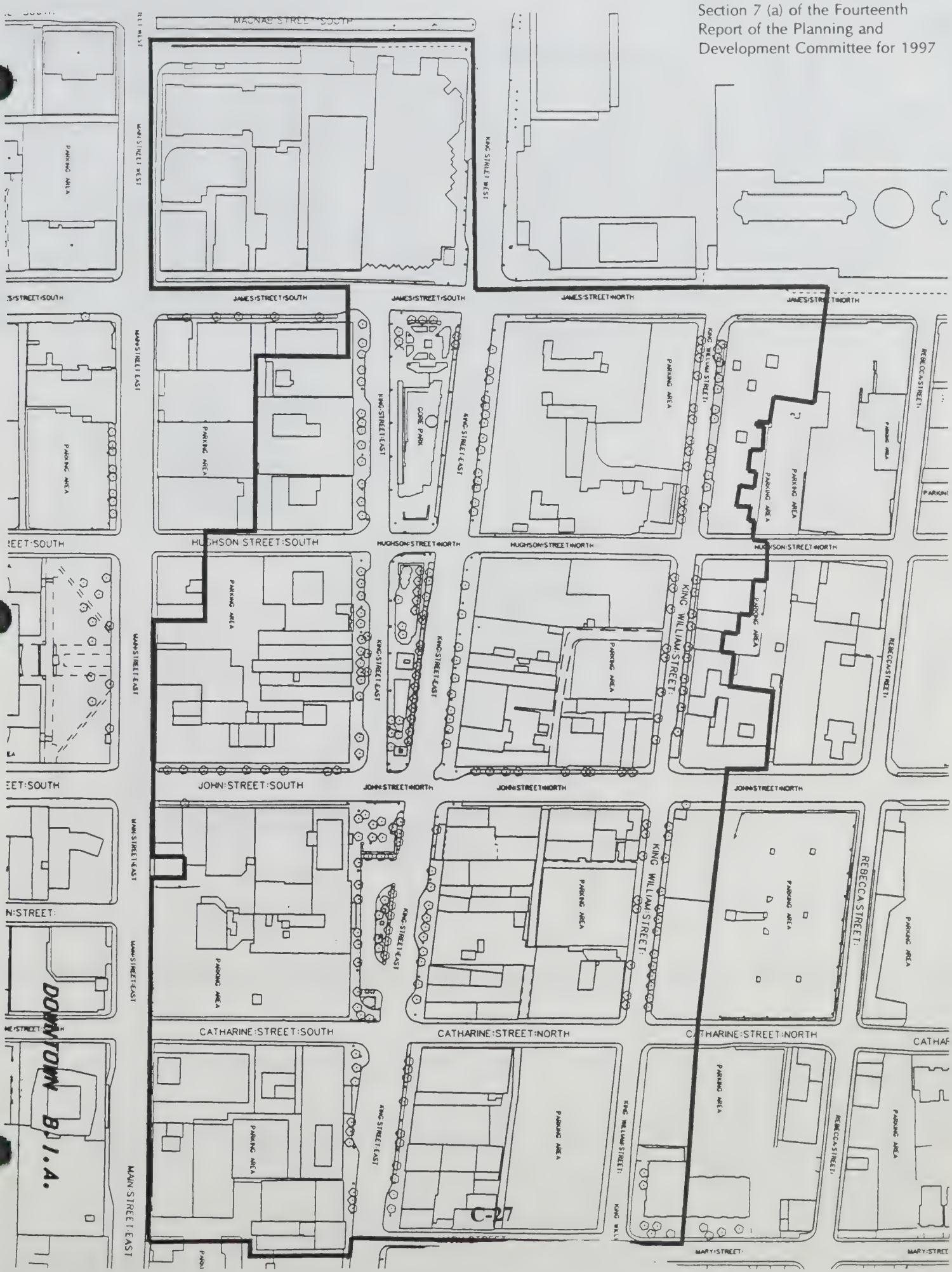
Appendix "H" as referred to in Section 4 of the Fourteenth Report of the Planning and Development Committee for 1997



Site of the Application

Reference File No.	
ZAC-97-12	
Drawn By	Date
B.B.	Aug. 1997
Scale	
Not to Scale	
North	

Appendix "I" as referred to in Section 7 (a) of the Fourteenth Report of the Planning and Development Committee for 1997



SEDONA COURT

M-795

25T-910148

Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

THIS 17th DAY OF SEPTEMBER, 1996

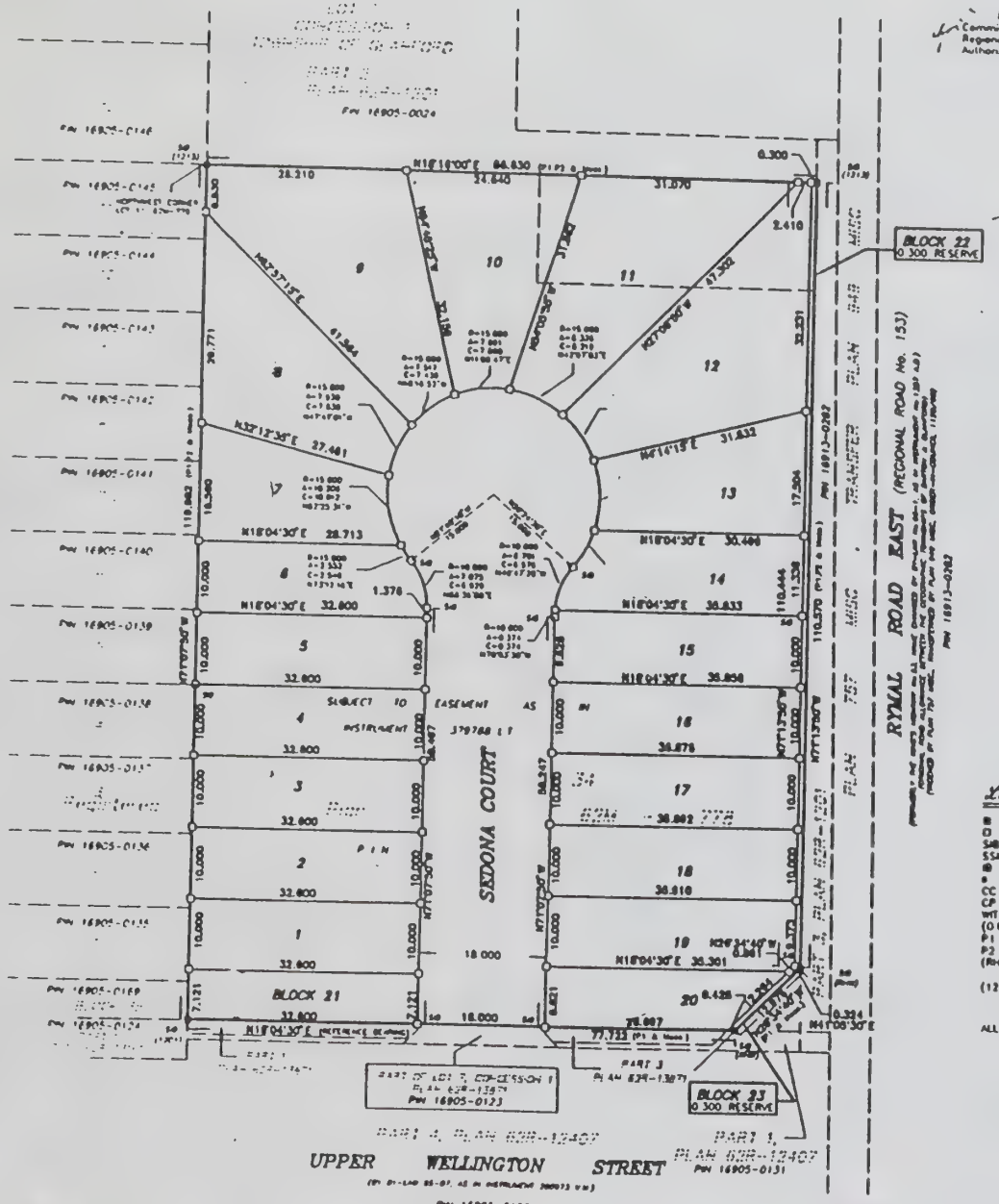
Commissioner of Planning and Development
Regional Municipality of Hamilton-Wentworth
Authorized by By-Law no. R 89-171

PLAN 62M-795

I CERTIFY THAT THIS PLAN 62M-795 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (62) AT 11:48 O'CLOCK ON THE 1ST DAY OF October 1996 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER No. 16905-0167 16905-0168 AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT NO. LT 421935

E. Jarmon
LAND REGISTRAR

THIS PLAN COMPRISES PIN 16905-0168
PIN 16905-0167
SUBJECT TO EASEMENT AS SET OUT IN INSTRUMENT 379768 LT



C-28

Legend

■	DENOTES A SURVEY MONUMENT FOUND
□	DENOTES A SURVEY MONUMENT PLANTED
SIB	DENOTES STANDARD IRON BAR
SSIB	DENOTES SHORT STANDARD IRON BAR
IB	DENOTES IRON BAR
•	DENOTES ROUND
CC	DENOTES CUT CROSS
CP	DENOTES CONCRETE PIN
WIT	DENOTES WITNESS
(O.U.)	DENOTES ORIGIN UNKNOWN
P1	DENOTES REGISTERED PLAN 62M-778
P2	DENOTES PLAN 62R-12467
(Rmw)	DENOTES REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
(1213)	DENOTES J.D. PETERS, O.L.S.

ALL BARS ARE IB'S UNLESS OTHERWISE NOTED

Allison Estates

Phase 1, Stage 2

BEING A SUBDIVISION OF
LOT 33 AND BLOCK 34
REGISTERED PLAN 62M-778
IN THE GEOGRAPHIC
TOWNSHIP OF GLANFORD
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500

0 5 10 15 20 30 40 m

MACKAY, MACKAY & PETERS LIMITED
1996

Surveyor's Certificate

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THIS SURVEY WAS COMPLETED ON THE 16th DAY OF JULY, 1996

SEPTEMBER 11, 1996
DATE

JAMES LAWS
ONTARIO LAND SURVEYOR

Owner's Certificate

THIS IS TO CERTIFY THAT

1. LOTS 1 TO 19, BOTH INCLUSIVE, THE STREETS NAMELY SEDONA COURT, BLOCKS 20 & 21, AND 0.300 RESERVES NAMELY BLOCKS 22 & 23 HAVE BEEN LAID OUT IN ACCORDANCE WITH MY INSTRUCTIONS
2. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY

DATED AT HAMILTON, ONTARIO
THIS 11th DAY OF SEPTEMBER 1996

200 RYMAL ROAD INC

JOHN A. PARENTE
"I HAVE THE AUTHORITY TO BIND THE CORPO

Bearing Reference

BEARINGS ARE ASTRONOMIC AN... REFERRED TO THE WEST LIMIT ...

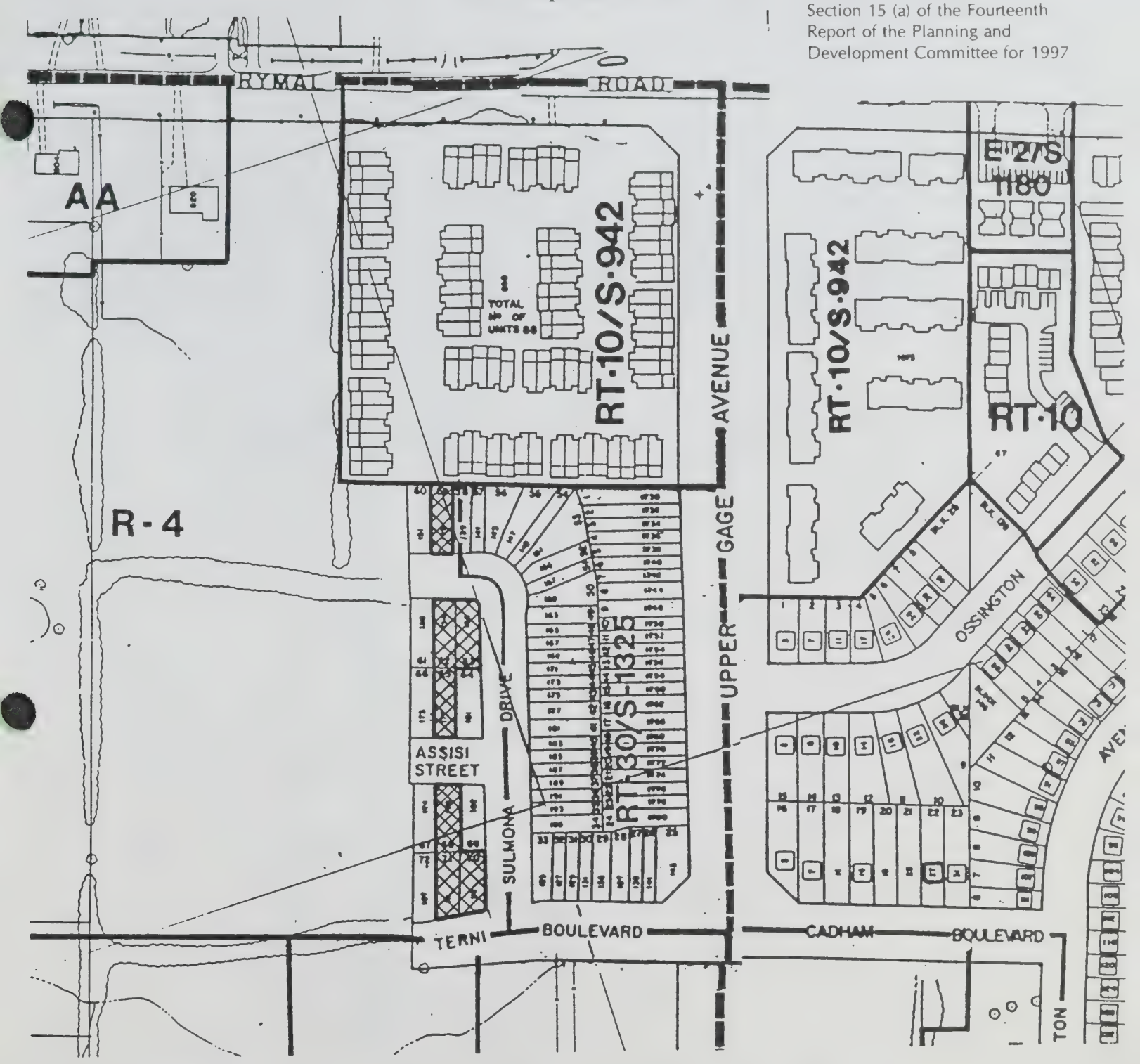
MACKAY MACKAY
ONTARIO LAND SURVEYOR'S ESTABLISHED ...
SUITE 700, UNION GAS BUILDING

APPENDIX "A"

1997 September 30

Appendix "J" as referred to in Section 14 (a) of the Fourteenth Report of the Planning and Development Committee for 1997

Appendix "K" as referred to in Section 15 (a) of the Fourteenth Report of the Planning and Development Committee for 1997



Legend

Lands subject to part lot control application

Reference File No.	
PLC-95-02	
Drawn By	Date
B.B.	Sept. 1997
Scale	
Not to Scale	
North	

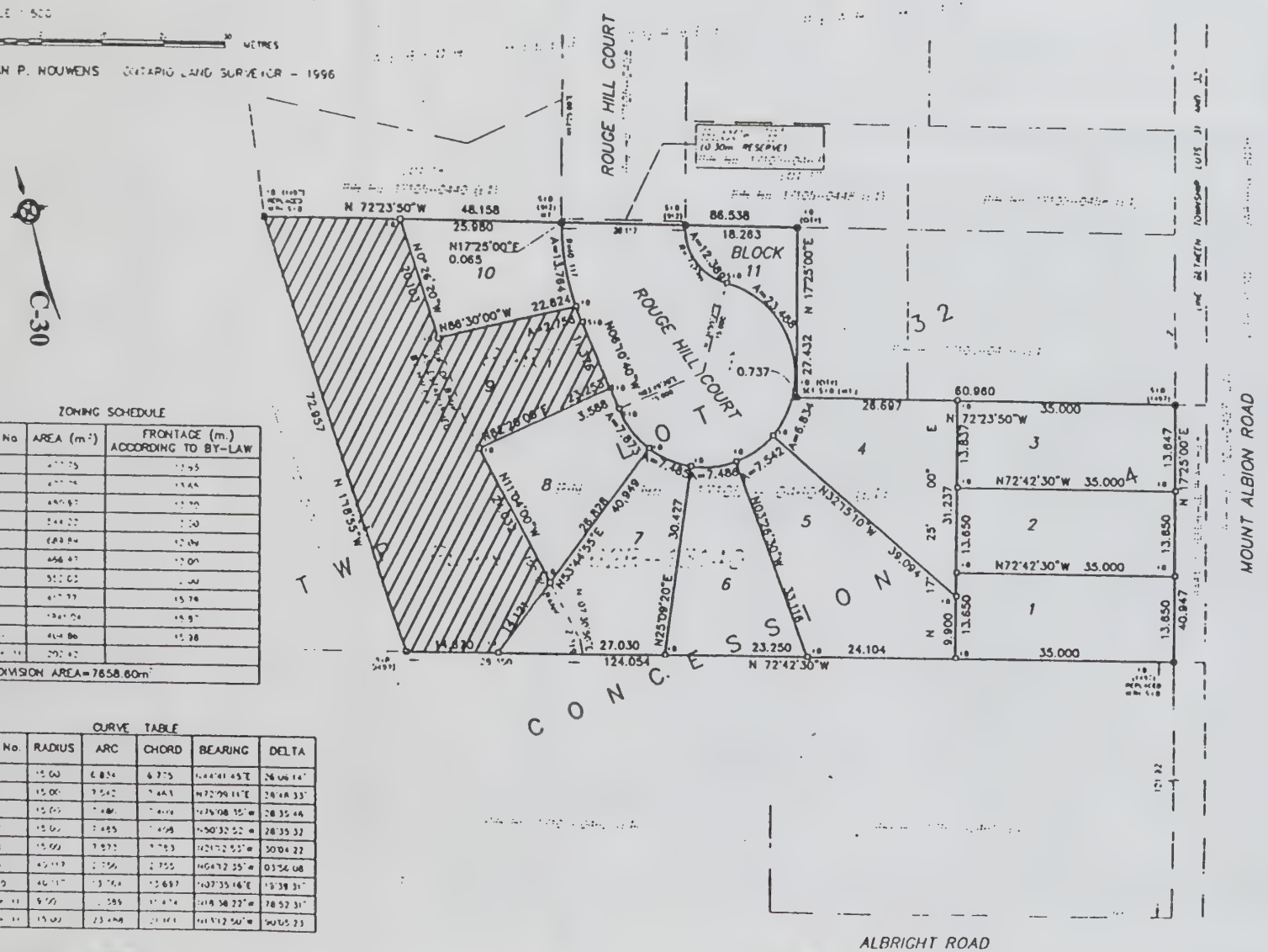
NH JUL. 0 6 1997

M-812

ROUGE HILL COURT

25T-92010

PLAN OF
KEMP ESTATES
BEING A SUBDIVISION OF
PART OF LOT 32, CONCESSION 4
IN THE GEOGRAPHIC TOWNSHIP OF SALTFLEET
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500
0 5 10 15 20 METRES
JOHN P. NOUWENS ONTARIO LAND SURVEYOR - 1996



ZONING SCHEDULE

LOT No	AREA (m²)	FRONTAGE (m.) ACCORDING TO BY-LAW
BLOCK 11		

SUBDIVISION AREA = 7858.60m²

CURVE TABLE

LOT No.	RADIUS	ARC	CHORD	BEARING	DELTA
BLOCK 11					

PLAN 62M-812

CERTIFICATE OF REGISTRATION

I CERTIFY THAT THIS PLAN 62M-812 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF HAMILTON (NO. 62) AT 8:30 O'CLOCK IN THE FORENOON OF JUNE 11, 1997 AND ENTERED IN THE REGISTER FOR PARCELS 1 TO 10 (BOTH INCLUSIVE) IN THE REQUIRED CONSENTS AND APPROVALS ARE AS SHOWN ON DOCUMENT NO. LT 455096

d Howell, ABC
LAND REGISTRAR

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS 6th DAY OF JUNE 1997

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW 93-300

METRIC NOTE:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

ALL OF PIN NO 17105-0240 (LT)

LEGEND
SIB - DENOTES A 12.7mm STANDARD IRON BAR
SIB - DENOTES A 19.0mm STANDARD IRON BAR
CUT - DENOTES CUT IN CURB
WIT - DENOTES WITNESS
U/O - DENOTES STANDARD IRON BAR
● - FOUND S - SET

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERLY LIMIT OF MOUNT ALBION ROAD AS SHOWN ON PLAN 62M-811 AS BEING N17°25'00"E

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 10 BOTH INCLUSIVE, THE STREET NAMED ROUGE HILL COURT AND BLOCK 11 ARE SHOWN AND THE LANDS TO BE SUBDIVIDED BY THIS PLAN.
2. THE STREET IS HEREBY DEDICATED TO THE USE OF THE CITY OF HAMILTON AS A PUBLIC HIGHWAY.

JAMES KEMP CONSTRUCTION

June 20/96
DATE

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
2. THIS SURVEY WAS COMPLETED ON THE 26th DAY OF APRIL, 1996.

May 6/96
DATE

John P. Nouwens
ONTARIO LAND SURVEYOR

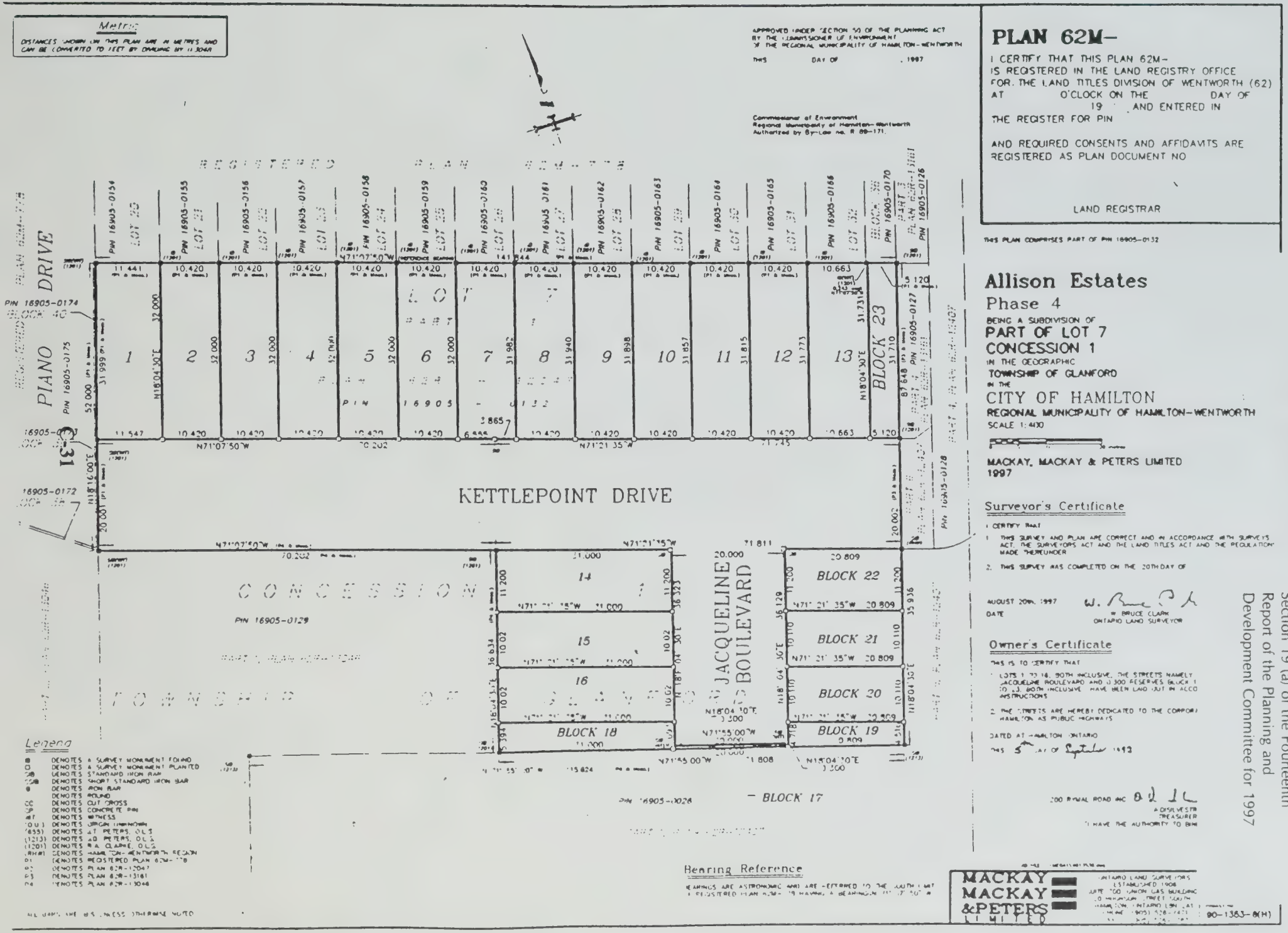
ASHENHURST NOUWEN
Professional Engineers & Ontario
201-315 YORK BLVD.
HAMILTON, ONTARIO L8R 3K5
(905) 529-6318
(905) 529-4314
FAX(905) 529-8651

BRA
ORCHARDMEA
155 MAIN S
GRIMSBY,
(905)

DRAWN BY: M.S.
CHECKED BY:
DATE: APR. 26, 1996
REVISED:

1997 September 30

Appendix "L" as referred to in Section 16 (a) of the Fourteenth Report of the Planning and Development Committee for 1997



1997 September 30

Appendix "M" as referred to in Section 19 (a) of the Fourteenth Report of the Planning and Development Committee for 1997

FINANCE & ADMINISTRATION COMMITTEE

1997 September 30

REPORT OF THE FINANCE AND ADMINISTRATION COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Finance and Administration Committee presents its **TWENTIETH** Report for 1997 and respectfully recommends:

1. (a) (i) That 30 Linden Street be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law 95-049; and,

(ii) That the Real Estate Division be authorized and directed to sell this property in accordance with the Real Property Sales Procedural By-law; and,

(b) (i) That an Offer to Purchase 30 Linden Street for the price of $56,500, executed by D. Carl-Drage, dated 1997 September 8, be accepted. The said land has a frontage of 30.59 metres (100.36 feet) and a depth of 28.042 metres (92.0 feet), being Part 2 on Plan No. RB-H-589 Surveys, with structures thereon, said transaction scheduled to close on 1997 November 21. This land vested in the City as a result of no bids upon its sale for tax arrears under the Municipal Tax Sales Act. Funds derived from this sale less commission be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,

(ii) That the required deposit cheque in the amount of $5,650 be held by the City Treasurer pending Council approval; and,

(iii) That upon successful completion of this sale, a real estate commission of 6% of the sale price be paid to Royal LePage Commercial Inc. (Sales Representative Stephen Green), who acted in this matter; and,

(iv) That the Offer be approved subject to clauses which state:

(1) That the Purchaser acknowledges and agrees there are no warranties and/or representations by the Vendor (City) whatsoever and the property be purchased on an "as is" basis; and,

(2) That the Purchaser has relied upon his own investigation with respect to the quantity, value and title to the property; and,

(3) That Part 1 on Plan No. RB-H-589 Surveys be incorporated into the road allowance of Linden Street on or before the closing of this transaction; and,

(4) That prior to the closing of this transaction, that the existing chain link fence and posts located along the northern limit of Part 1 on Plan No. RB-H-589 Surveys and any materials, equipment, goods or products found on the surface of the said Part 1 be removed at the Purchaser's sole expense; and,

(v) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act incorporating the following:

(1) Satisfactory notice has been given to the public of the intended sale; and,

(2) An appraisal of the fair market value of the real property intended to be sold was obtained on 1997 September 23; and,

(vi) That the Commissioner of Transportation be authorized to incorporate Part 1 of Plan No. RB-H-589 Surveys into the road allowance of Linden Street by By-law.

2. (a) That an Offer to Purchase Agreement, duly executed by Circle M Ranch Flamborough Inc., on 1997 September 11 and scheduled to close on or before 1997 November 4, for the vacant lands composed of part of Lots 55 and 56, in the Beloit Survey, known as Plan No. 414, having a frontage of 6.55 metres (21.5 feet) more or less, along the eastern limit of Cavell Avenue (formerly Berlin Avenue) and a depth of 24.38 metres (80.0 feet) more or less, known municipally as 188 Cavell Avenue, Hamilton, which lands were vested with the Corporation of the City of Hamilton as a consequence of proceedings under the Municipal Tax Sales Act, R.S.O. 1990, Chapter M.60 as amended, be approved and completed as the requirements in the Municipal Act pursuant to the City's Real Property Procedural By-law No. 95-049 enacted on 1995 February 14 have been fulfilled by the City, and the funds derived from this sale of $8,000 less commission, be credited to Account No. CH 4X501 00102 (Reserve for Property Purchases); and,

(b) That the required deposit cheque in the amount of $750 be held by the City Treasurer pending Council approval; and,

(c) That upon successful completion of this sale, a real estate commission of 6% of the $8,000 sale price be paid to Homelife/State Realty Ltd. (Sales Representative Pegi O'Grady-Serafini), who acted in this matter; and,

(d) That the Mayor and City Clerk be authorized and directed to execute the necessary documents; and,

(e) That in accordance with Real Property Sales Procedural By-law No. 95-049:

(i) Satisfactory notice has been given to the public of the intended sale; and,

(ii) An appraisal of the fair market value of the real property intended to be sold was obtained on 1997 September 23; and,

(iii) The City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 193 of the Municipal Act.

3. (a) That the City resolve Ontario Court (General Division) Action # 10320/95 by the payment to the Plaintiff, Jean Gold, of the sum of $7,500 inclusive of all claims for damages, interest and costs; and,

(b) That the Plaintiff be required to execute a Full and Final Release in a form satisfactory to the City Solicitor; and,

(c) That Ontario Court (General Division) Action # 10320/95 be dismissed without costs.

4. That the City Solicitor be authorized to execute a consent in Court File No. 513/97, to obtain an Order directing compliance with terms of the Fire Code for 686 Queenston Road, Hamilton as against 1200791 Ontario Inc. and dismissing the action as against the other respondents.

5. (a) That the position of Manager of Systems Planning within the Information Systems Department be deleted and that the incumbent in the position be severed in accordance with City policies and procedures; and,

(b) That the position of Microfilming Technician II within the Information Systems Department be deleted and that the remaining staff position in the Microfilming section and the budget associated with the Microfilming operation be transferred to the City Clerk's Department effective 1998 January 1; and,

(c) That the Region be advised that the position of Administrative Assistant III in the Information Systems Department was vacant effective 1997 June 30th and the position is to be deleted; and,

(d) That the total staff complement for Support Services Technicians in the Information Systems Department be increased by two effective 1998 January 1.

6. (a) That the following question, forwarded to the City by the Regional Municipality of Hamilton-Wentworth for consideration, be placed on the electoral ballot for the 1997 November 10th Municipal Election, and that the response to this question guide the decision making process for the implementation of a Model Tobacco Control By-law in the City of Hamilton by 1998 June 1:

"The City of Hamilton is considering a Model Tobacco Control By-law that would make all public places and workplaces, **with some exceptions**, smoke-free by 2000 June 1.

Are you in favour of the Council of the Corporation of the City of Hamilton passing this by-law?

Yes ___ No ___ "

(b) That the appropriate by-law be presented to City Council for enactment.

7. That Xerox Canada Ltd. be awarded the maintenance contract for the City-owned Xerox 5090 photocopier for a term to expire 1998 December 31, with two - one year renewal periods at the discretion of the City Clerk's Department, at a base monthly cost of $309.46 and $0.0063 per copy.

8. That the Terms of Office for the existing Citizen Members of the various City Committees, Local Boards and Commissions expiring at the end of 1997, be extended until 1998 February 10, or until their successors are appointed, to allow the Committees, Local Boards and Commissions to function until such time as the newly elected Council has had an opportunity to undertake the necessary actions to fill these vacancies.

9. That a By-law be enacted to provide for the reduction of opening hours with respect to a voting place described in Sub-section 45(7) of The Municipal Elections Act, 1996 that is only for the use of residents of the institution or retirement home, in a Municipal Election, as follows:

The close of voting on voting day may take place prior to 8:00 p.m. where:

(a) Every Elector whose name appears on the Voters' List for the premises has requested a ballot, and either voted, or been afforded an opportunity to vote, left the polling place without returning the ballot, or declined to vote and returned the ballot; and,

(b) The Deputy Returning Officer has verified with the Administrator of the premises which is described in Sub-section 45(7) that no other qualified Electors reside within the premise; and,

(c) The Deputy Returning Officer has confirmed with an Election Official at the Election Office of the City of Hamilton that the requirements prescribed under Clauses (a) and (b) have been met.

10. (a) That the City be authorized to enter into Extension Agreements, if required, in a form satisfactory to the City Solicitor and the City Treasurer pursuant to Section 8 of the Municipal Tax Sales Act, with the owners of the following properties to extend the time open for payment of realty tax arrears in accordance with the policy for extension agreements approved by City Council on 1994 June 28:

12 Burfield Ave.	134 East 36th St.
378 Avondale St.	29 Depew St.
1837 Main St W.	47 Glenburn Crt.
134 Cavell Ave.	32 Harvey St.
21 Cheever St.	179 Kimberley Dr.
131 Kensington Ave N.	232 Hunter St E.

(b) That a by-law to authorize the said Extension Agreements be enacted by Council; and,

(c) That the Mayor and City Clerk be authorized to execute the aforesaid by-law and extension agreements.

11. That realty and business tax applications processed under Section 443 of the Municipal Act, Chapter 45 Statutes of Ontario, 1990 in the amount of $12,973.74 be approved and charged to CH55307-24104 Tax Remissions.

12. That as referred to in Section 4 of the Ninth Report for 1997 of the Transport and Environment Committee, approved by City Council on 1997 August 26th, the cost of landscaping the median at the intersection of Arrowsmith Road and Centennial Parkway, in an amount not to exceed $40,000, be financed from the Reserve for Services through Unsubdivided Lands, Account Centre No. CH 00107.

13. That a purchase order be issued to Joe Johnson Equipment, Barrie, in the amount of $103,408, including all applicable taxes and trade-in, for the replacement of one (1) Detachable Snow Blower Unit #9601 for Fleet Services, being the lowest tender received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CF5532 649751023.

14. That a purchase order be issued to Altech Industries Ltd., Milton, in the amount of $131,100, including all applicable taxes, for the replacement of two (2) Truck Chassis complete with Service Bodies Units #6014 and 6015 for Fleet Services, being the lowest tender received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CF5532 649651019.

15. That a purchase order be issued to City Chevrolet, Oldsmobile Ltd., Hamilton, in the amount of $99,460.05 including all applicable taxes, for the replacement of three (3) Extended Cab Pick-ups #1435, 9096 and 9393 for Fleet Services, being the lowest tender received in accordance with specifications issued by Purchasing and Vendor's tender, and be financed through the Reserve for Mobile Equipment Account No. CF5530 649751023.

16. (a) That City Council endorse the following five principles outlined in the Federation of Canadian Municipalities Municipal Telecommunications Access Agreement:

    (i) Municipal Governments must have the ability to control the number and types of aboveground telecommunications pedestals, kiosks, etc., and the location of underground infrastructure; and,

    (ii) The use of municipal rights-of-way by telecommunications companies must not impose financial costs on municipal governments and taxpayers; and,

    (iii) Municipal governments must not be responsible for the costs of relocating telecommunications infrastructure if relocation is required for planning or other reasons deemed necessary by the municipal government; and,

    (iv) Municipal governments must not be liable for any economic loss, legal costs or physical restoration costs resulting from the disruption of telecommunications services arising out of the actions of a municipal government unless grossly negligent; and,

(v) Municipal governments must receive revenues over and above their direct costs in providing access to rights-of-way as proper compensation for the use of municipal property for profit; and,

(b) That City Council establish a policy, as proposed by the FCM Big City Mayors' Caucus, whereby access to municipal rights-of-way will be denied to any telecommunications firm which does not agree in writing to the five principles as referenced above; and,

(c) That approval be given for a Telecommunications Municipal Right-of-Way Fund Contribution in the amount of $6,370 to be made to the Federation of Canadian Municipalities Big City Mayors' Caucus as the City's per capita portion; and,

(d) That funding for this expenditure be charged to Centre CH80040 - Public Relations; and,

(e) That the FCM Big City Mayors' Caucus be advised of the City's approval of the above noted actions with respect to the Telecommunications: Access to Municipal Rights-of-Way Action Plan.

17. (a) That the City of Hamilton provide funding in an amount up to $3,000 to host a dinner reception for the 1997 Ontario Universities Athletic Association -Golf Tournament, to be held at King's Forest on 1997 October 6; and,

(b) That funding for this expenditure be financed as an approved overdraft within the account Special Civic Receptions and Delegation Hosting, Account Number CH 54314 84010.

18. (a) That the City of Hamilton provide funding in an amount up to $3,000 to co-host a dinner reception for delegates of the Community Policing and Aboriginal Justice Symposium, at the Hamilton Convention Centre on Thursday, 1997 October 16; and,

(b) That funding for this expenditure be financed as an approved overdraft within the account Special Civic Receptions and Delegation Hosting, Account Number CH 54314 84010.

19. (a) That the City of Hamilton provide funding in an amount up to $1,000 to host a small reception dinner for approximately twenty-five people for dignitaries from the Abruzzo Region of Italy; and,

(b) That funding for this expenditure be financed as an approved overdraft within the account Special Civic Receptions and Delegation Hosting, Account Number CH 54314 84010.

20. That the 1996 Post Audit Letter containing recommendations and comments affecting the City's Accounting Systems, Procedures and Controls and subsequent Management Action be accepted.

21. (a) That the City Treasurer be authorized to set-up the cost of "Pay-on-Foot" - Parking Control System in the amount of $344,827 for the Eaton Centre Parkade and $305,537 for the Convention Centre Garage to a total of $650,364 as a Capital Project; and,

(b) That the City Treasurer be further authorized to provide the above amount as a Capital loan to the Parking Authority as there are no funds available from the Reserve for Off-Street Parking and that the Parking Authority operating account be charged with the financing cost at the current 5 year Canada Bond Rate which is currently @ 5.53%; and,

(c) That the above loan to the Parking Authority be financed from the Reserve for Debt Charges, Account Centre No. CH 00108, and be repaid back to the City as per Appendix "A", herewith attached, out of the Parking Authority Current Budget Provision for the Pay-on-Foot Lease Cost Provision.

22. (a) (i) That the following properties be declared surplus to the requirements of the City of Hamilton in accordance with Real Property Sales Procedural By-law 95-049:

(1) Part of the former Garnet Avenue and the former MaClanders Street road allowance, being Part 18 on Plan 62R-11788; and,

(2) Part of the former Limeridge Road West road allowance, being Parts 2 and 3, Plan 62R-11800 (Part 2, being subject to Easements in Instrument Nos 191966C.D. and 183423C.D.); and,

(ii) That the Real Estate Division be authorized and directed to sell these properties in accordance with the Real Property Sales Procedural By-law; and,

(b) (i) That the City transfer to the Regional Municipality of Hamilton-Wentworth the vacant parcels of land being part of the former Garnet Avenue and the former MaClanders Street road allowances, more specially Part 18, Plan 62R-11788, containing an area of .184 hectares (0.45 acres) more or less, and part of the former Limeridge Road West road allowance, more specifically Parts 2 and 3, Plan 62R-11800 (Part 2, being subject to Easements in Instrument Nos 191966C.D. and 183423C.D.), containing an area of 0.38 hectares (0.938 acres) more or less, and the funds derived from this transfer of $2 be credited to Account No. CH 4X999 00102 (Reserve for Property Purchases - Other Revenue); and,

(ii) That the Commissioner of Transportation be directed to prepare a By-law to sell the portions of Garnet Avenue and MaClanders Street, being Part 18, Plan 62R-11788 and Limeridge Road West, being Parts 2 and 3, Plan 62R-11800; and,

(iii) That the City Solicitor be authorized and directed to prepare the necessary transfer documents; and,

(iv) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed by Section 193 of the Municipal Act incorporating the following:

(1) Satisfactory notice has been given to the public of the intended sale; and,

(2) No appraisal of fair market value of the real property intended to be sold as road allowances are exempt from the appraisal requirement of Section 193 of the Municipal Act.

23. That the monument commemorating the Bi-centennial of Irish Immigration be installed on the west side of City Hall grounds, at the grassed area immediately south of the Ontario Professional Engineers Time Capsule.

24. (a) That the Director of Culture and Recreation and the Commissioner of Public Works and Traffic be authorized to develop a Grounds Use Policy to guide decision-making relative to the placement of commemorative plaques and for use of the grounds for community events; and,

(b) That a team consisting of representatives from the Culture and Recreation; Public Works and Traffic; City Clerks and Building Departments convene under the Chairmanship of the Director of Culture and Recreation to develop comprehensive plans for the retrofit of the City Hall Building and Grounds, Summers Lane and Commonwealth Square in consultation with HECFI and the Art Gallery of Hamilton for inclusion as capital projects for consideration during the preparation of the 1998-2007 Capital Plan.

25. (a) That funds in the amount of $20,100 be granted to the Hamilton-Wentworth Branch of the St. John Ambulance to assist with offsetting the impact of a loss of base funding support from the United Way of Burlington-Hamilton and in recognition of the outstanding public service provided by this community agency; and,

(b) That this expenditure be financed as an approved overdraft of the budget of the Department of Culture and Recreation; and,

(c) That consideration be given to this matter as an expansion package in the preparation of the 1998 Current Budget; and,

(d) That the area municipalities of the Region of Hamilton-Wentworth and the City of Burlington be encouraged to support St. John Ambulance in a commensurate fashion.

26. (a) That the proceeds from the sale of two carparks at 16 McGill Street and 1453 Main Street East in the amount of $83,500 be credited back to the Reserve for Offstreet Parking Account from the City Reserve for Property Purchases Account; and,

(b) That the existing Council policy which dictates that the source of funds used to purchase City property be subsequently credited with the proceeds from any sale be reviewed by the next term of Council.

27. That the replacement of 59 vehicles in the 1997 Vehicle Replacement Program be upgraded to include an additional 4 units, at an estimated cost $120,000, be funded from the Reserve for Replacement of Mobile Equipment, Account Centre No. CH 00101, not to exceed the $2.4 million 1997-2006 approved Capital Budget Program.

28. (a) That the Terms of Engagement with the City's Claims Adjusters, Crawford-THG, be extended from 1997 September 28 to 1998 September 28 with a $1 increase in the hourly rate; and,

(b) That the Commissioner of Public Works and Traffic and the City Solicitor be authorized to initiate a Request for Proposal for claims adjusting services.

29. (a) That approval be given for a City contribution in the amount of $1,500 to the Bay Area Restoration Council to assist in the cleaning up of the harbour watershed; and,

(b) That the request for similar funding for 1998, be referred to the next term of Council for consideration; and,

(c) That funding for the 1997 expenditure be financed from Centre CH24201 - Unclassified.

30. That Mark S. Davies be appointed as the Hamilton Board of Education representative on the Hamilton Public Library Board.

31. (a) That the City support the 1998 Bank of Montreal Canadian Figure Skating Championships being held in Hamilton by contributing to the City banner program in the amount of $3,000 and supporting a Volunteer Kick Off Party at an amount of $7,000; and,

(b) That funding for this expenditure be financed from the Reserve for Hosting of Conferences with Municipal Subject Content CH00126.

32. (a) That the City provide assistance to the Hamilton Branch 58 Royal Canadian Legion in the amount of $250 to aid them with the extra expenses which occurred for the Valley Field, Quebec visit; and,

(b) That funding for this expenditure be financed by an approved overdraft of the Grants Centre CH200XX.

33. That the following Bills be adopted, signed, sealed and enrolled as By-laws:

(a) D-52 A By-law to establish reduced voting hours for institutions

(b) D-53 A By-law to Authorize an Extension Agreement for Payment of Realty Tax Arrears.

(c) D-54 A By-law to authorize a question concerning a Model Tobacco By-law

(d) D-55 A By-law to Confirm the Proceedings of the Council of The Corporation of the City of Hamilton.

Respectfully submitted,

ALDERMAN B. CHARTERS, CHAIRMAN
FINANCE AND ADMINISTRATION COMMITTEE

Susan K. Reeder
Secretary
1997 September 23

Appendix "A" referred to in Section 21 of the Twentieth Report of the Finance and Administration Committee for 1997

The City of Hamilton
Treasury

Internal Financing Through Reserve

Pay-on-Foot Parking Authority Capital Projects

From the Reserve for Debt Charges, A/c Centre No. CH 00108
The rate based on 5 year Canada Bond Rate as at September 16, 1997
Amortized Over Five Years @ The Rate Of 5.53%

Date (1)	Total Payment (2)	Principal (3)	Interest (4)	Interest Rate (5)	Balance Outstanding (6)
Pay-On-Foot Eatons Centre and Convention Centre Parkade 1997					
					650,364.00
24-Sep-97					
31-Dec-97	150,000.00	140,343.61	9,656.39	5.53%	510,020.39
31-Dec-98	150,000.00	121,795.87	28,204.13	5.53%	388,224.52
31-Dec-99	150,000.00	128,531.18	21,468.82	5.53%	259,693.34
31-Dec-2000	150,000.00	135,599.61	14,400.39	5.53%	124,093.73
31-Dec-2001	130,956.11	124,093.73	6,862.38	5.53%	0.00
31-Dec-2002	0.00	0.00	0.00	5.53%	0.00
	730,956.11	650,364.00	80,592.11		

NOTICES OF MOTION

FROM PREVIOUS MEETING

NOTICE OF MOTION

June 24, 1997 - postponed
July 8, 1997 - postponed
August 26, 1997 - postponed by special motion

Alderman D. Ross gave notice that he would move at the next regular meeting of City Council the following:

WHEREAS the population of the Province of Quebec voted against separating from Canada, both in 1980 and in 1995; and

WHEREAS the current government of Quebec has repeatedly reiterated its desire to hold yet another referendum on Quebec separation; and

WHEREAS there are many loyal Canadians in Quebec who, via resolutions of their local city councils, have declared that it is their wish to remain part of Canada, irrespective of any future referendum result; and

WHEREAS those city councils have requested the support of Canadians outside Quebec in their effort to remain Canadian.

Be it resolved ***THAT*** the City of Hamilton supports the initiative of those municipalities in Quebec who have declared their intention to remain part of Canada irrespective of any future province wide vote for separation.

THAT the City of Hamilton demands that the government of Canada and the government of Québec clearly and unequivocally state that they support the right of federalist municipalities and regions within Quebec to remain part of Canada, today and in the future, in accordance with the legal, moral, political, constitutional, and territorial obligations of our nation.

THAT copies of this resolution be forwarded to the Prime Minister of Canada, the members of Parliament from Ontario and Québec, the members of the Provincial legislature, the Premier of Ontario, the union of Ontario municipalities, all Ontario municipalities, the Federation of Montreal Urban Community, and all municipalities on the Island of Montreal and all Provincial Municipal Associations.

NOTICE OF MOTION

August 26, 1997 - postponed

Alderman M. Kiss gave notice that she would move at the next regular meeting of City Council the following:

That Regional Council be requested to direct the Medical Officer of Health to initiate immediate health assessments of affected residents in the area of the Plastimet Fire and that further assessments of these residents continue for a period of several years to determine the long term health affects of contaminants from the fire.

ORBAN MUNICIPAL

SEP 30 1997

GOVERNMENT DOCUMENTS

MEETING OF THE COUNCIL
OF THE CORPORATION OF THE CITY OF HAMILTON

TUESDAY, 1997 SEPTEMBER 30
7:30 O'CLOCK P.M.
COUNCIL CHAMBER, CITY HALL

B I L L S

Bill No. A-62

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 4 (Highways Designated For Use By Heavy Traffic)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Grays Community Francis 7:00 a.m. - 7:00 p.m."

2. That **Schedule 10 (Stops at Intersections)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Adair	Northbound and Southbound	Central
Chelmsford	Northbound	Kentley
Dunsmure	Eastbound and Westbound	Garfield
Ottawa	Northbound and Southbound	Justine
Bastille	Northbound	Brigade
Brigade	Eastbound and Westbound	Bastille
East 43rd	Northbound and Southbound	Tenth
Massena	Northbound	Byng
Byng	Eastbound and Westbound	Massena
Rexford	Eastbound and Westbound	Alconbury
Locke	Northbound and Southbound	Peter
Oakland	Eastbound	East 43rd
Cellini	Southbound	Eaglewood

Lawrence (West Leg)	Northbound	Neil
Jeremy	Northbound	Lorenzo
Sheridan	Eastbound	Lower Horning
Annapolis	Westbound	Acadia
Acadia (north leg)	Eastbound	Acadia."

3. That **Schedule 29 (No Stopping Areas)** of said By-law is hereby amended by adding thereto the following item, namely:-

"Mountville	South	Upper Wellington to 58 feet east	Anytime."

and by deleting therefrom the following item, namely:-

"Brantdale	North	From 100 ft. west of West 2nd to 137 ft. east of West 2nd	Anytime."

4. That **Schedule 35 (Wheelchair Loading Zones)** of said By-law be amended by adding thereto the following item, namely:-

"Park Row	East	29 feet	164 feet south of Cannon	Anytime."

5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this day of 1997.

CITY CLERK MAYOR

Bill No. A-63

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

BEING A BY-LAW TO AMEND
BY-LAW NO. 89-72 TO REGULATE TRAFFIC

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 28th day of February, 1989, the Council of the Corporation of the City of Hamilton enacted By-law 89-72 to regulate traffic;

AND WHEREAS it is necessary to amend By-law 89-72, as amended;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. That **Schedule 25 (Parking Time Limits)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Gladstone	East	Delaware to Main	2 hr	8 am - 8 am (24 hrs)	Mon - Fri
Ravenscliffe	West	from 122 feet south of Aberdeen to 429 feet southerly	3 hr	8 am - 8 am (24 hrs)	Mon - Sun
Ravenscliffe	East	from 122 feet south of Aberdeen to 330 feet southerly	3 hr	8 am - 8 am (24 hrs)	Mon - Sun
Weir	West	Barton to 113 feet northerly	3 hr	8 am - 8 am (24 hrs)	Mon - Fri
Colbourne	South	Park to 130 feet east of Bay	1 hr	8 am - 6 pm	Mon - Fri
Brantdale	North	West 2nd to Upper James	1 hr	8 am - 5 pm	Mon - Fri
Emerson	West	from 63 feet south of Royal to 49 feet southerly	2 hr	8 am - 6 pm	Mon - Fri."

and by deleting the following item, namely:-

"Colbourne	South	Bay to Park	1 hr	8 am - 6 pm	Mon - Fri."

2. That **Schedule 26 (No Parking Areas)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Gledhill	North and East	commencing 53 feet east of the east curb line of Gledhill and extending to 53 feet north of the north curb line of Gledhill	Anytime
Gladstone	West	Cumberland to Main	Anytime
Ravenscliffe	Both	Aberdeen to 122 feet southerly	Anytime
Ivon	East	Roxborough to 40 feet northerly	Anytime
Myrtle	East	Rutherford to Delaware	Anytime
Limeridge	Both	Bonaventure to Hawkridge	Anytime
Limeridge	Both	Upper James to Kingfisher	Anytime."

and by deleting therefrom the following items, namely:-

"Gladstone	West	Cumberland to Delaware	Anytime
Limeridge	South	West 5th to 352 ft. west	Anytime
Limeridge	Both	Bonaventure to Kingfisher	Anytime
Avondale	East	Barton to Mons	Anytime."

3. That **Schedule 27 (Alternate Side Parking)** of said By-law is hereby amended by deleting therefrom the following items, namely:-

"Gladstone Avenue Main Street to Delaware Avenue	West	East
Myrtle Avenue Rutherford Avenue to Delaware Avenue	East	West."

4. That **Schedule 34 (Sticker Permit Parking)** of said By-law is hereby amended by adding thereto the following items, namely:-

"Primrose	North	commencing 124 feet east of Avondale and extending 15 feet easterly therefrom	Anytime
Tom	North	commencing 129 feet west of Dundurn and extending 20 feet westerly therefrom	Anytime
Tom	North	commencing 176 feet west of Dundurn and extending 18 feet westerly therefrom	Anytime
Grosvenor	East	commencing 294 feet south of Barton and extending 30 feet southerly therefrom	Anytime
Francis	South	commencing 106 feet west of Douglas and extending 20 feet westerly therefrom	Anytime

Douglas	West	Burton to the TH&B Railway tracks	Anytime
Ontario	West	commencing 150 feet south of Stinson and extending 24 feet southerly therefrom	Anytime
Colbourne	South	commencing 47 feet east of Bay and extending 83 feet easterly therefrom	Anytime
John	West	commencing 81 feet north of Burlington and extending 17 feet northerly therefrom	Anytime
Simcoe	South	commencing 181 feet west of Ferguson and extending 24 feet westerly therefrom	Anytime
Simcoe	North	commencing 114 feet west of Ferguson and extending 16 feet westerly therefrom	Anytime."

and by deleting therefrom the following items, namely:-

"Lyndhurst	West	commencing at a point 51 feet north of the sidewalk and extending to a point 23 feet northerly therefrom	Anytime
Brant	South	commencing 53 feet west of Niagara and extending 16 feet westerly therefrom	Anytime
Macauley	South	commencing at a point 269 feet west of MacNab and extending to a point 16 feet westerly therefrom	Anytime
Francis	South	commencing 106 feet west of Douglas and extending 17 feet westerly therefrom	Anytime
Burton	South	Cheever to Douglas	Anytime."

5. In all other respects, By-law 89-72 and all Schedules thereto, as amended, are hereby confirmed, unchanged.

PASSED this day of 1997.

CITY CLERK MAYOR

Bill No. A- 64

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO REPEAL CITY BY-LAW 97-166
REFERRED TO AS APPLEBLOSSOM DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton enacted on 1997 August 26 By-Law 97-166 to incorporate the land described therein into the highway known as Appleblossom Drive;

AND WHEREAS the said By-Law 97-166 has not been registered, and includes inaccurate reference to the subject lands;

NOW THEREFORE,

1. By-Law 97-166 is hereby repealed.

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A- 65

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 39, 62M-778
INTO PIANO DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Piano Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Piano Drive.

   All of Block 39 on Plan 62M-778.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A-66

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PARTS 1 & 2 ON PLAN 62R-14233
INTO CENTENNIAL PARKWAY NORTH

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Centennial Parkway North within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Centennial Parkway North.

   Part of Lot 26, Concession 1 in the geographic township of Saltfleet designated as Parts 1 & 2 on Plan 62R-14233.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A- 67

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 27, 62M-733
INTO CADHAM BOULEVARD

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Cadham Boulevard within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Cadham Boulevard.

   All of Block 27 on Plan 62M-733.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A- 68

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS PART 4, PLAN 62R-9675
INTO BRIGADE DRIVE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Brigade Drive within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway to form part of Brigade Drive.

   Part of Lot 12, Concession 8 in the geographic township of Barton designated as Part 4 on Plan 62R-9675.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said land as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A- 69

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 97-

TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 150, PLAN 62M-639 AND PART 5, 62R-14187
INTO BEAVERBROOK AVENUE

WHEREAS the Council of The Corporation of the City of Hamilton is empowered under Section 297(1) of The Municipal Act, R.S.O. 1990, Chapter M.45 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of The Corporation of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Beaverbrook Avenue within its limits;

AND WHEREAS the said land is owned by The Corporation of the City of Hamilton.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The following land is hereby established and laid out as a public highway, to form part of Beaverbrook Avenue.

   All of Block 150, on Plan 62M-639.
   Part of Lot 11, Concession 1 in the geographic Township of Glanford designated as Part 5 on Plan 62R-14187.

   City of Hamilton

   Regional Municipality of Hamilton-Wentworth

2. The Commissioner of Transportation or his duly authorized agent is hereby authorized to open the said lands as a public highway.

3. This by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED this day of A.D. 1997

City Clerk Mayor

Bill No. A-70

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Authorize

THE GRAFFITI BY-LAW

WHEREAS Section 31 of the Planning Act, R.S.O. 1990, Chapter P.13 authorizes a municipality to prescribe standards for the maintenance and occupation of property;

AND WHEREAS Section 210, paragraph (145), of the Municipal Act, R.S.O. 1990, Chapter M.45 authorizes the municipality to enact by-laws to prohibit indecent placards, writings or the writing of words or the making of pictures or drawings that are indecent or may tend to corrupt or demoralize, on any wall, fence or in a public place;

AND WHEREAS Section 210, paragraph (140), of the Municipal Act authorizes a municipality to pass by-laws to prohibit and abate nuisances;

AND WHEREAS Section 102 of the Municipal Act authorizes a municipality to enact by-laws and regulations for the health, safety, morality and welfare of the inhabitants of the municipality in matters not specifically provided for by the Municipal Act;

AND WHEREAS graffiti, being scribblings or drawings, often indecent, on a wall or other public surface, can create a visual and aesthetic blight within the municipality and may create a safety hazard;

AND WHEREAS The regional Municipality of Hamilton-Wentworth Police Services presented a report to the Transport and Environment Committee on the effects of graffiti;

AND WHEREAS City Council, on (specify), 1997, in adopting Section (specify) of the (specify) Report of the Transport and Environment Committee authorized this By-law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this By-law, "Graffiti" shall mean any drawings, scribblings or mottos drawn on a wall or an exposed surface, but does not include marks made accidentally or any of the following:

   (a) a sign, public notice or traffic control mark authorized by the City Engineer;

   (b) a sign authorized pursuant to the Sign By-law;

   (c) a public notice authorized by a City by-law or by Provincial or Federal legislation;

   (d) in the case of private property, a letter, symbol or mark authorized by the owner or tenant of the property on which the letter, symbol or mark appears.

2. Every owner or occupant of any building or structure shall maintain all exterior walls of the building or structure, and any wall or fence, free of painted slogans, drawings, scribblings or any other defacing of the wall or fence..

3. No owner or occupant of any building or structure shall permit graffiti to be placed on any wall, fence, building or structure located on property that is visible to the public.

4. No person shall place graffiti or cause graffiti to be placed on any wall, fence, building, structure, or surface located on real property which is visible to the public.

5. Any person who contravenes this By-law is guilty of an offence and, upon conviction, is liable to the penalties specified by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

PASSED this day of , 1997.

CITY CLERK MAYOR

The Corporation of the City of Hamilton

BY-LAW NO. 97 -

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 120 FERRIE STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-2 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from **"D"** (Urban Protected Residential - One and Two Family Dwellings, etc.) District to **"D-'H'** (Urban Protected Residential - One and Two Family Dwellings, etc. - Holding) District,

the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the lands referred to in section 1 shall be removed conditional upon the owner demonstrating that the site is not contaminated and that remediation/clean-up has occurred or may be required in accordance with the "Guidelines for Use at Contaminated Sites in Ontario - June 1996", (as amended from time to time), to the satisfaction of the Regional Environment Department.

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "D" District provisions.

3. The "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District provisions, as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands referred to in section 1, are amended to the extent only of the special requirements that,

(a) notwithstanding Subsection 10.(3)(ii) of Zoning By-law No. 6593, a side yard of at least 1.0 m shall be permitted;

(b) notwithstanding Subsection 10.(4)(i) of Zoning By-law No. 6593, a lot width of a least 8.8 m and a lot area of at least 271.6 m^2 shall be permitted; and,

(c) a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the easterly lot line.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any lands be used, except in accordance with the "D" District provisions, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1385.

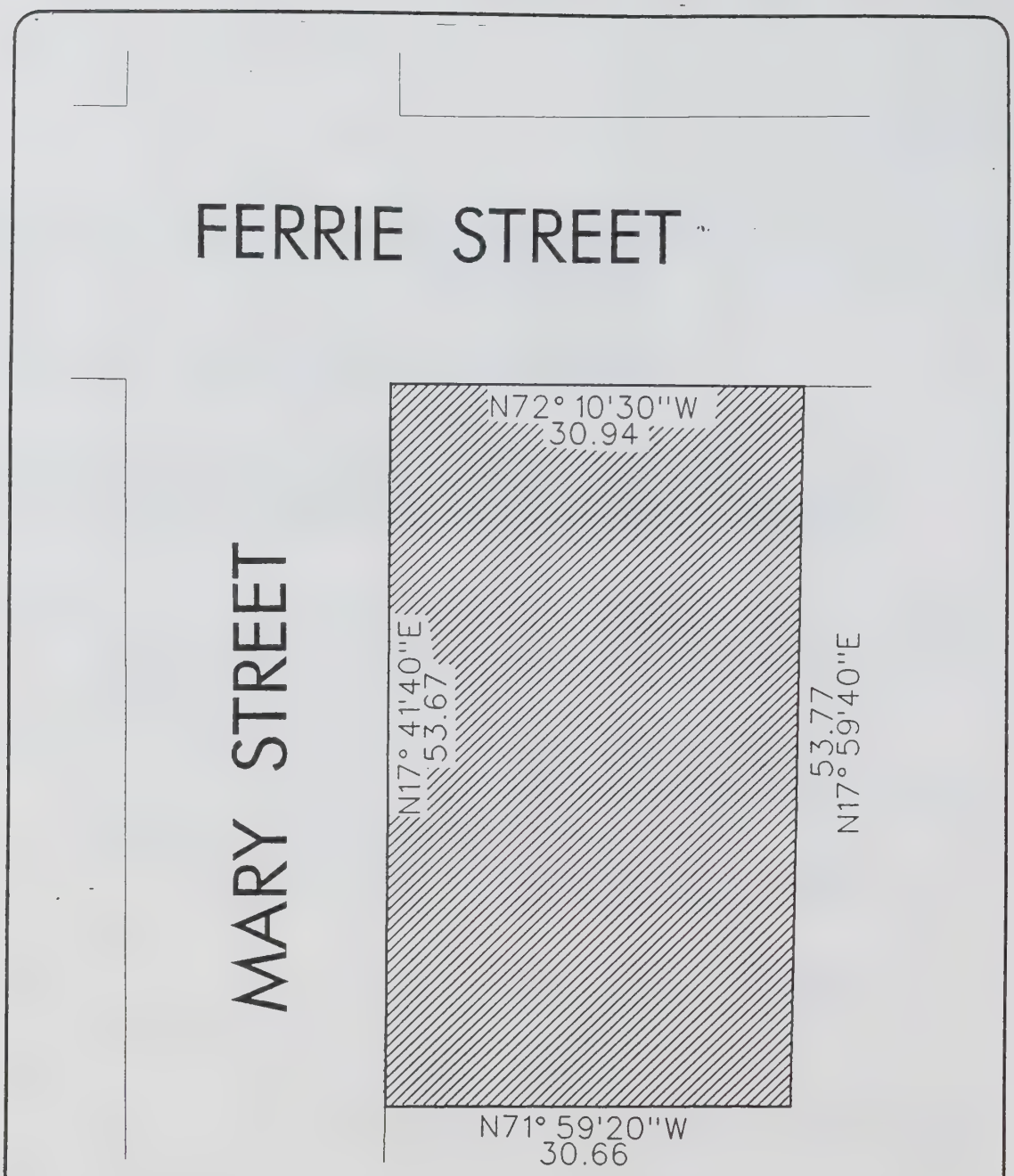
6. Sheet No. E-2 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1385.

7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 13 R.P.D.C. 1, August 26
Norris Transport, Owners
ZAC-97-19



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ..... , 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....

Planning and Development Department

Legend

Modification to the "D"-'H', (Urban Protected Residential - One and Two Family Dwellings, etc. -Holding) District Regulations

North	Scale	Reference File No.
	Not to Scale	ZAC-97-19
	Date	Drawn By
	August 1997	D.L.

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED BETWEEN MUNICIPAL NOS. 14 and 24 EAST 35TH STREET

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. E-35 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "E" (Multiple Dwellings, Lodges Clubs, etc.) District to "RT-30" (Street-Townhouse) District modified,

the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The "RT-30" (Street-Townhouse) District provisions, as contained in Section 10F. of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

(a) notwithstanding Section 10F. (4) of Zoning By-law No. 6593, the following yards shall be provided and maintained:

(i) a front yard depth of not less than 1.3 m and a 2.3 m depth to the garage;

(ii) a rear yard depth of not less than 4.7 m; and,

(iii) a side yard depth of not less than 2.0 m;

(b) notwithstanding Section 10F. (6) of Zoning By-law No. 6593, each dwelling unit shall have a minimum lot area of 96.6 m^2 and a minimum lot width of 5.93 m;

(c) notwithstanding Section 18A. (9) of Zoning By-law No. 6593, the manoeuvring spaces for the required parking may be provided off-site.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "RT-30" District provisions, subject to the special requirements referred to in section 2.

4. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1386.

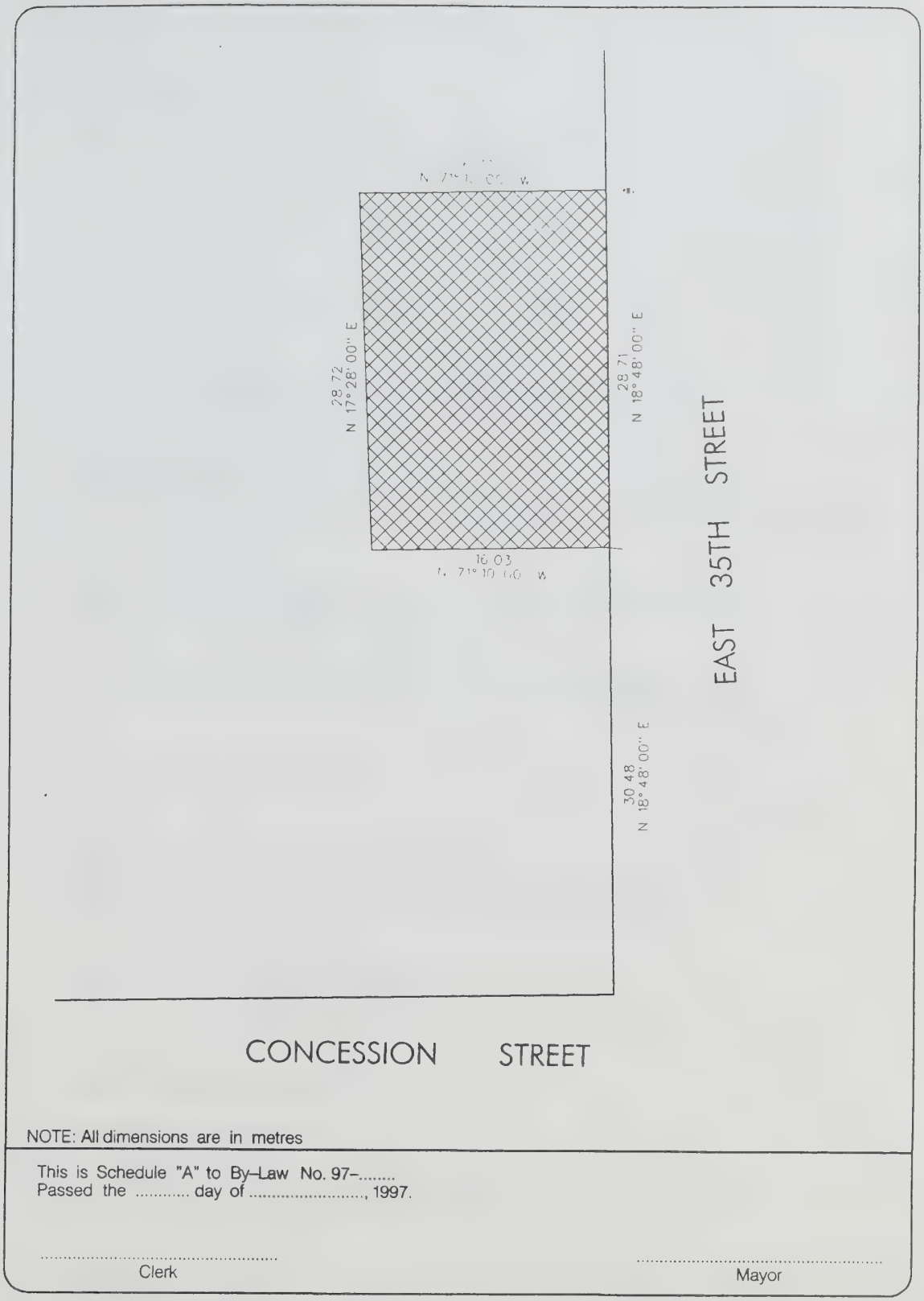
5. Sheet No. E-35 of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1386.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 13 R.P.D.C. 3, August 26
Home by Oakbrook (Nick Uhac), Owner
ZAC-97-13



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ....., 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 97-.....
to Amend By-Law No.6593

Planning and Development Department

Legend

Proposed Change in Zoning from:

"E" (Multiple Dwellings, Lodges Clubs, etc) District, to "RT-30" (Street Townhouse) District, Modified.

North	Scale	Reference File No.
	Not to Scale	ZAC-97-13
	Date	Drawn By
	August 1997	R.L.

Bill No. C- 59

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED EAST OF OMNI BOULEVARD AND NORTH OF STONE CHURCH ROAD WEST

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-37C of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, to "C" (Urban Protected Residential, etc.) District those lands comprised in Blocks "1" and "2"; and

(b) by changing from "AA" (Agricultural) District, to "C" (Urban Protected Residential, etc.) District those lands comprised in Block "3",

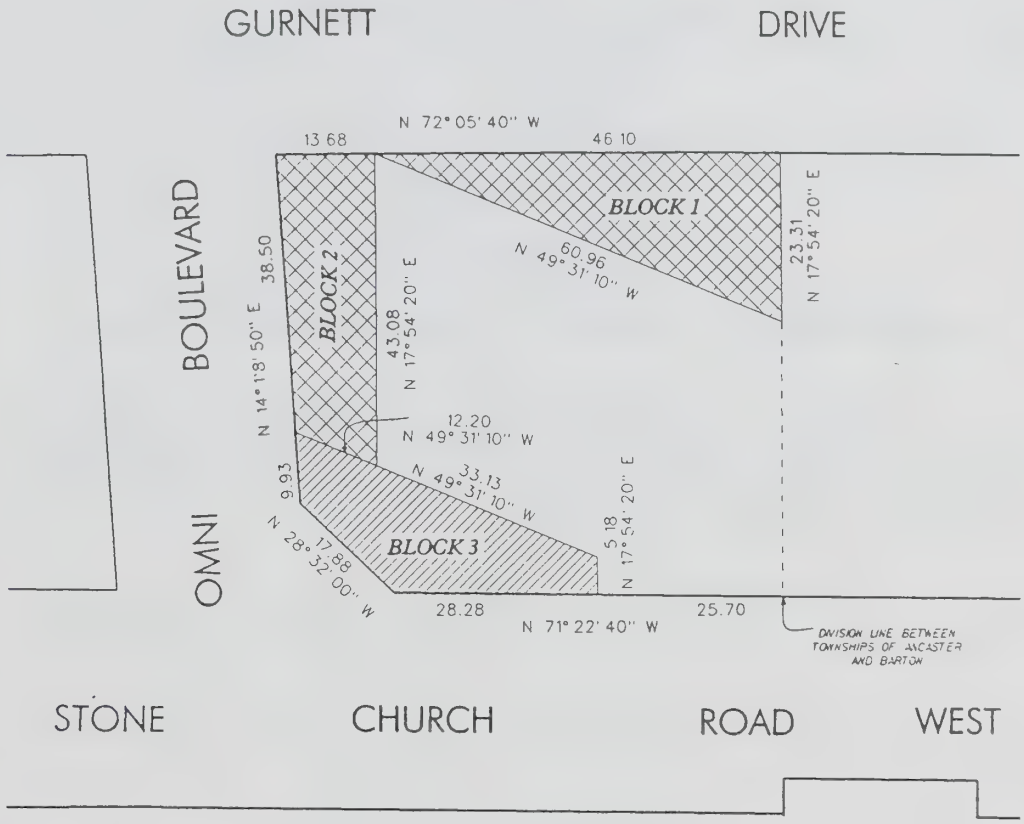
the land, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997.

CITY CLERK MAYOR

(1997) 13 R.P.D.C. 5(b), August 26
Sunshine Construction Inc. and DiCenzo Construction, Owners
ZAC-97-21



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ....., 1997.

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of By-Law No. 97-.....
to Amend By-Law No.6593

Planning and Development Department

Legend

Proposed Change in Zoning from:

BLK 1 & 2 — "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District, modified to "C" (Urban Protected Residential, etc) District.

BLK 3 — "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

North	Scale	Reference File No.
	Not to Scale	ZAC-97-21
	Date	Drawn By
	August 1997	R.L.

The Corporation of the City of Hamilton

BY-LAW NO. 97 -

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NO. 100 LOCKE STREET SOUTH

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593 passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. W-13 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

(a) by changing from **"H"** (Community Shopping and Commercial, etc.) District to **"DE-3"-'H'** (Multiple Dwellings - Holding) District,

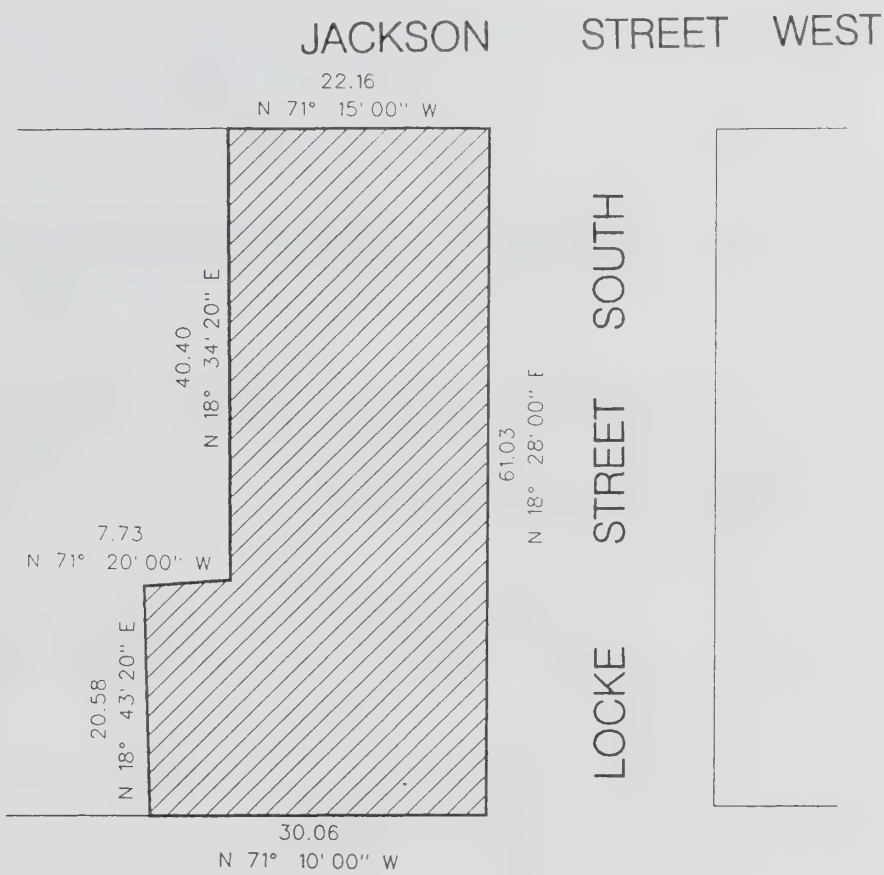
the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the lands referred to in section 1 shall be removed conditional upon the Regional Environment Department being advised in writing that the applicant has completed "Step 3 - Remedial Work Plan" and "Step 4 - Record of Site Conditions" of the Environmental Assessment and any required works, to the satisfaction of the Regional Environment Department and the Ministry of Environment and Energy;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1 may at such time proceed in accordance with the "DE-3" District provisions.

3. The "DE-3" (Multiple Dwellings) District provisions, as contained in Section 10C of Zoning By-law No. 6593, applicable to the lands referred to in section 1 are amended to the extent only of the special requirements that,

(a) notwithstanding Section 10C.(3) of Zoning By-law No. 6593, a front yard of a depth of not less than 2.0 m shall be provided and maintained along the entire southerly boundary of the subject lands;



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 97-.....
Passed the ..... day of ....., 1997.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
By-Law No. 97-____

to Amend By-Law No. 6593

Planning and Development Department

Legend

Change in Zoning from:

"H" (Community Shopping and Commercial, etc.) to "DE-3" (Multiple Dwellings) District, modified

North	Scale	Reference File No.
	NOT TO SCALE	ZAC-97-04
	Date	Drawn By
	September 1997	W. B

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

By-law No. 87-308
As Amended by By-laws No. 92-079 and 97-54

Respecting:

MEMBERS OF THE BOARD OF MANAGEMENT OF THE BARTON VILLAGE BUSINESS IMPROVEMENT AREA

WHEREAS By-law No. 87-308, passed on the 10th day of November 1987, provided for a Board of Management of the Improvement Area designated by By-law No. 87-178, passed on the 23rd day of June 1987, known as the "Barton General Business Improvement Area", (now known as the "Barton Village Business Improvement Area"), more particularly described in By-law No. 87-178, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 92-079, passed on the 20th day of March 1992 varied the composition of the Board of Management and provided for an editorial amendment to By-law No. 87-308;

AND WHEREAS By-law No. 97-54, passed on the 8th day of April 1997, varied the composition of the Board of Management;

AND WHEREAS it is expedient to repeal By-law No. 97-54;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 11 of the 13th Report of the Planning and Development Committee on the 26th day of August 1997, directed that the composition of the Board of Management be further varied, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" referred to in clause 2(b) of By-law No. 87-308, as amended, is repealed and the following substituted therefor:

K. Cody	Codys Home Decor Inc.
M. Tollis	The Riviera Banquet Centre
J. Hilger	Ways to Wisdom
K. Jokic	Bank of Montreal
D. Tranor	Dell Pharmacy
N. LaSala	Nick's Auto Service
J. Howard	Econ-o-wash Laundry

2. By-law No. 97-54 is hereby repealed in its entirety.

3. In all other respects, By-law No. 87-308, as amended, is hereby confirmed, unchanged.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 13 R.P.D.C. 11, August 26

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

By-law No. 92-078
As Amended by By-law No. 97-014

Respecting:

MEMBERS OF THE BOARD OF MANAGEMENT OF THE MAIN STREET WEST ESPLANADE BUSINESS IMPROVEMENT AREA

WHEREAS By-law No. 92-078, passed on the 10th day of March 1992, provided for a Board of Management of the Improvement Area designated by By-law No. 90-197, passed on the 26th day of June 1990, known as the "Main West Esplanade Business Improvement Area", more particularly described in By-law No. 90-197, as amended by By-law No. 96-168, all in accordance with subsections 217(1) and 217(6) of the Municipal Act, R.S.O. 1980, Chapter 302;

AND WHEREAS By-law No. 97-014, passed on the 28th day of January 1997 varied the composition of the Board of Management;

AND WHEREAS it is expedient to repeal By-law No. 97-014;

AND WHEREAS the Council of The Corporation of the City of Hamilton in adopting Section 12 of the 13th Report of the Planning and Development Committee on the 26th day of August 1997, directed that the composition of the Board of Management be further varied, in accordance with the provisions of Section 220 of the Municipal Act, R.S.O. 1990, as hereinafter provided;

AND WHEREAS it is intended to further vary the composition of the Board of Management.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "A" referred to in clause 2(a) of By-law No. 92-078 is repealed and the following substituted therefor:

Alderman M. Kiss
Alderman M. Caplan

2. Schedule "B" referred to in clause 2(b) of By-law No. 92-078 is repealed and the following substituted therefor:

K. Mullholland	Taco Bell
I. Kobylanski	Izzy's Restaurants
M. Farrugia	Calla Decor and Design
J. Castellano	Castellano Real Estate
J. Morrison	Royal Bank
M. Barnard	Barnard & Speziale Design Associates Inc.
B. Hughes	Tim Hortons
M. Gunn	Mor Car Wash

3. By-law No. 97-014 is hereby repealed in its entirety.

4. In all other respects, By-law No. 92-078 is hereby confirmed, unchanged.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 13 R.P.D.C. 12, August 26

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Designate:

LAND LOCATED AT MUNICIPAL NO. 100 WEST FIFTH STREET

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of The Corporation of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 100 West Fifth Street and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

2. The City Solicitor is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,

   (i) to cause a copy of this by-law, together with reasons for the designation, to be served on the owner and The Ontario Heritage Foundation by personal service or by registered mail;

   (ii) to publish a notice of this by-law once in a newspaper having general circulation in the Municipality of the City of Hamilton.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

Schedule "A"

To

By-law No. 97-

CENTURY MANOR
(originally East House)

Hamilton Psychiatric Hospital
100 West 5th Street, Hamilton, Ontario

Part Lots 16 and 17, Concession 4, Barton,

as in BR1365, BR1366, BR1372,

except AB325261, AB229587, AB153795,

VM198913 and HA180460;

Part road allowance between Lots 16 and 17,

Concession 4, Barton, as closed by By-law AB304000;

Subject to AB361551 Hamilton,

City of Hamilton,

Regional Municipality of Hamilton-Wentworth,

being all of P.I.N. 17075-0087 (LT).

SCHEDULE "B"

To

By-law No. 97-

REASONS FOR DESIGNATION

CENTURY MANOR
(originally East House)

Hamilton Psychiatric Hospital
100 West 5th Street, Hamilton, Ontario

Context

The large High Victorian building, located on the grounds of the Hamilton Psychiatric Hospital and now known as Century Manor, was erected in 1884 as the second major building built for the Hamilton Asylum for the Insane, a rapidly expanding complex of provincially-owned buildings devoted to the care and treatment of the mentally ill.

Century Manor is the focal point of a cluster of auxiliary buildings situated on the western half of the hospital property, where the main complex of asylum buildings was located until the early 20th century. Of the 19th century buildings located on the present hospital grounds, Century Manor is by far the largest and architecturally most distinguished (vacant since 1995).

History

Officially opened in March 1876 for the treatment of individuals suffering from mental illness, the Hamilton Asylum for the Insane was the sixth "insane asylum" in Ontario, following those opened in Toronto (1841), Kingston (1850), Amherstburg (1859), Orillia (1861), and London (1870). The emergence of these institutions reflected the 19th century trend for government to provide special care facilities for the mentally ill. Typically, the Hamilton asylum was planned and developed as a largely self-sufficient community. Much of the labour for maintaining the grounds, growing and harvesting crops, and new construction was provided by the patients.

By 1878, further expansion was based on the "cottage system", whereby patients were housed in separate smaller buildings providing a more home-like atmosphere. The first so-called "cottage", East House (since renamed Century Manor), was designed to house 60 patients; the second and much larger Orchard House (built 1887, since demolished) could hold up to 300.

The function of East House evolved to meet the hospital's changing needs. Initially intended for the reception and treatment of acute cases of mental illness, the building was subsequently adapted for the care and safekeeping of "criminally insane" patients, a use which it served until 1921. From that time on, East House/ Century Manor accommodated regular patients and/or various treatment facilities, including the Mental Health Clinic (1929-1960), a therapeutic centre for adolescents (1968-74), a Forensic Unit (1972-78), and most recently, a day program for chronic psychiatric patients (1981-95).

Architecture

Century Manor is a rare surviving example of a special-purpose building designed to house mentally ill patients, originally referred to as a "cottage". Its design was based on the Kirkbride Linear Plan, the 19th century American prototype for new purpose-built asylum facilities, which was adopted as the standard for Ontario asylums. Century Manor is the only surviving building of its kind in Hamilton and one of few still standing in the province.

Century Manor also ranks among the finest High Victorian institutional buildings remaining in Hamilton. This large, imposing brick building, with a symmetrical facade, comprises four visually distinct yet stylistically unified components: a three-storey square centre block with flanking two-storey wings and a rear kitchen wing added in 1895. The elaborate centre block features a low-pitched hip roof with a pedimented gable over the projecting frontispiece, eaves embellished with modillions and paired brackets (terminating the corner piers), and paired windows above the entrance with round or segmental arches and prominent keystones. Punctuating the long facade of each wing is an octagonal bay with single eave brackets marking the four corners; the end of each wing is terminated by a square gabled bay echoing the design of the frontispiece. The architectural detailing of the centre block and wings is very similar, with sills and string courses made of stone and contrasting yellow brick used to accentuate the segmentally-arched window lintels, corner piers and quoins (lintels now painted white). The existing raised portico, though not original, still enhances the front entrance, with its coupled wood columns rising from cut stone plinths. The once impressive doorway with ornate glazed double doors, narrow sidelights and transom light has been replaced.

Designated Features

Important to the preservation of Century Manor are the original features of all four facades, including the window openings, sills and lintels; the decorative brickwork; the stone sills and string courses; the brick chimneys; the decorative wood eave brackets and modillions; and the entrance portico. Excluded on the front facade is the existing central doorway and two fire exit doorways in the gabled bays terminating each wing.

Bill No. C- 64

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 1468 AND 1478 UPPER JAMES STREET

WHEREAS it is intended to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The "**AA**" (Agricultural) District provisions, as contained in Section 7A of Zoning By-law No. 6593, and the "**C**" (Urban Protected Residential, etc.) District provisions, as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A", are modified in accordance with Section 39 of the Planning Act, R.S.O. 1990, Chapter P.13, to permit the temporary use of lands for a garden centre/nursery and related uses until February 28, 1999, subject to the special requirements that,

(a) notwithstanding Sections 4.(3)(a), 7A.(1) and 9.(1) of Zoning By-law No. 6593, a garden centre and associated parking and an ancillary single family dwelling shall be permitted; and,

(b) notwithstanding Section 7A.(1) and 9.(1) of Zoning By-law No. 6593, a business identification sign shall be permitted in accordance with the requirements of Section 13.(1)(xv) of Zoning By-law No. 6593, and a ground sign shall be permitted in accordance with the requirements of paragraph two of Section 14A.(3)(a) of Zoning By-law No. 6593; and,

(c) notwithstanding the provisions of Section 9.(3)(ii) of Zoning By-law No. 6593, a southerly side yard of 0.0 m is permitted for the ancillary single family dwelling; and,

(d) notwithstanding the provisions of Section 18A.(14a) of Zoning By-law No. 6593, parking may be provided in the required front yard and not less than 40% of the gross area of the front yard shall be used for landscaped area; and,

(e) notwithstanding the provisions of Section 18A.(26) of Zoning By-law No. 6593, the access driveway may be 0.0 m from the southerly lot line of Block B; and,

(f) a landscape strip having a minimum width of 1.5 m shall be provided and maintained along the northerly boundary of Blocks A and B; and,

(g) a minium 6.0 m wide landscape strip shall be provided and maintained along the westerly boundary of Block A; and,

(h) a fence not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly and northerly boundary of Block A; and,

(i) Section 18A.(30) of Zoning By-law No. 6593 shall not apply.

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "AA" District and "C" District provisions, subject to the special requirements referred to in section 1.

3. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1291.

4. Sheet No. W-9D of the District Maps is amended by marking the lands referred to in section 1 of this by-law, S-1291.

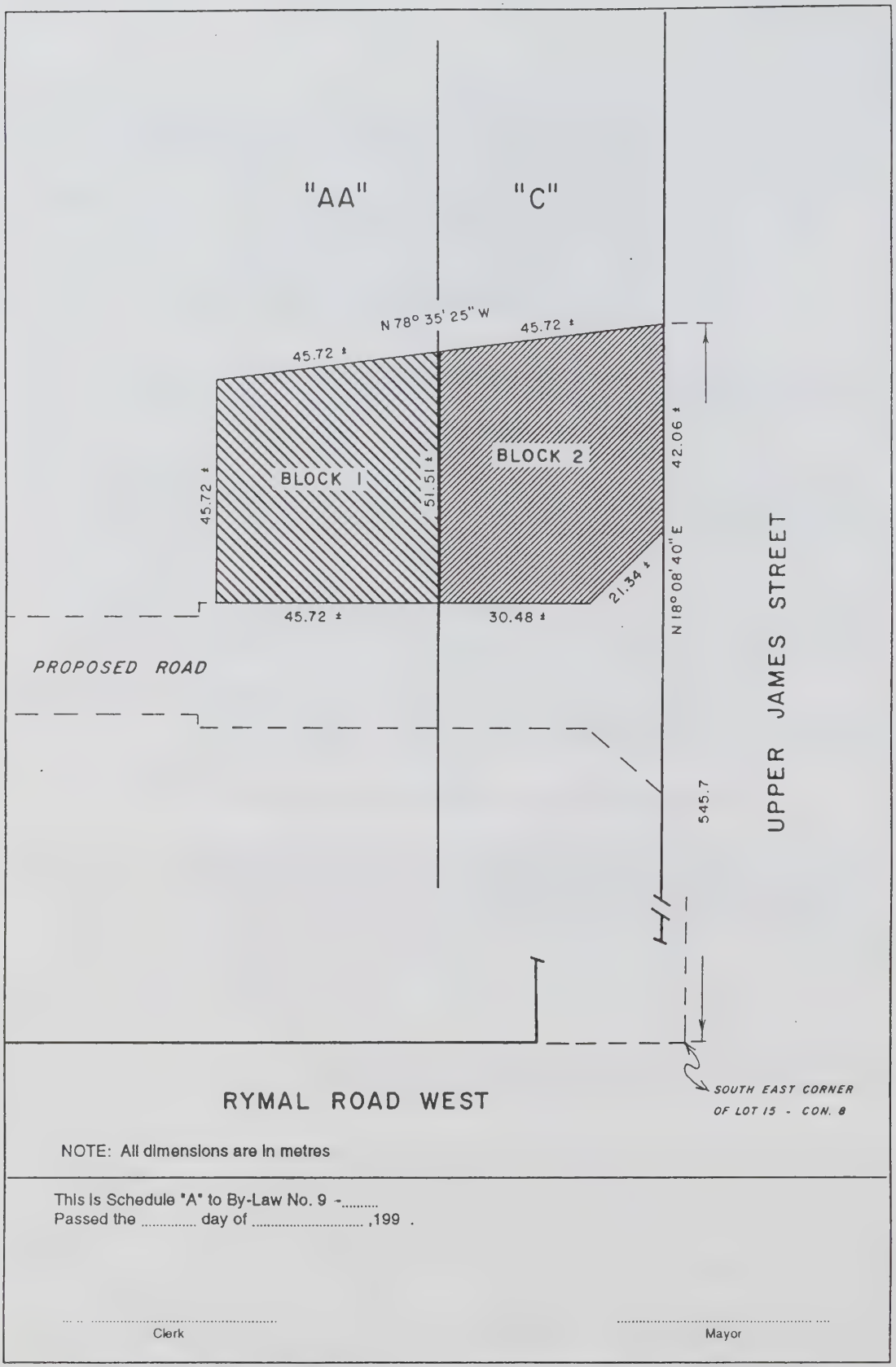
5. This temporary use by-law shall terminate on February 28, 1999.

6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1992) 19 R.P.D.C. 11(B), November 10
(1997) 7 R.P.D.C. 4, April 29
Mr. & Mrs. E. Ciardullo, Owners
Amended ZAC-92-30



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 9 -.....
Passed the ..... day of ....., 199 .

..... Clerk

..... Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 9 -.....

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Modification to the:

BLOCK 1 "AA" (Agricultural) District regulations.

BLOCK 2 "C" (Urban Protected Residential, etc.) District regulations..

North	Scale	Reference File No.
	NOT TO SCALE	ZA 92 - 30
	Date	Drawn By
	DECEMBER 1992	Z. K.

Bill No. C- 65

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Establish:

Site Plan Control

Respecting:

LANDS LOCATED AT MUNICIPAL NOS. 1468 AND 1478 UPPER JAMES STREET

WHEREAS By-law No. 79-275, passed on the 25th day of September 1979, under Section 35a of the Planning Act, as re-enacted by the Planning Amendment Act, 1979, S.O. 1979, Chapter 59, Section 1, [now Section 41 of the Planning Act, R.S.O. 1990, c. P. 13], as amended by By-law No. 87-223, passed on the 28th day of July 1987, established site plan control in various parts of the City of Hamilton as of November 1, 1979;

AND WHEREAS it is desirable to amend By-law No. 79-275 to establish site plan control on the land hereinafter referred to.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Schedule "B" to By-law No. 79-275 is amended by adding the following thereto:

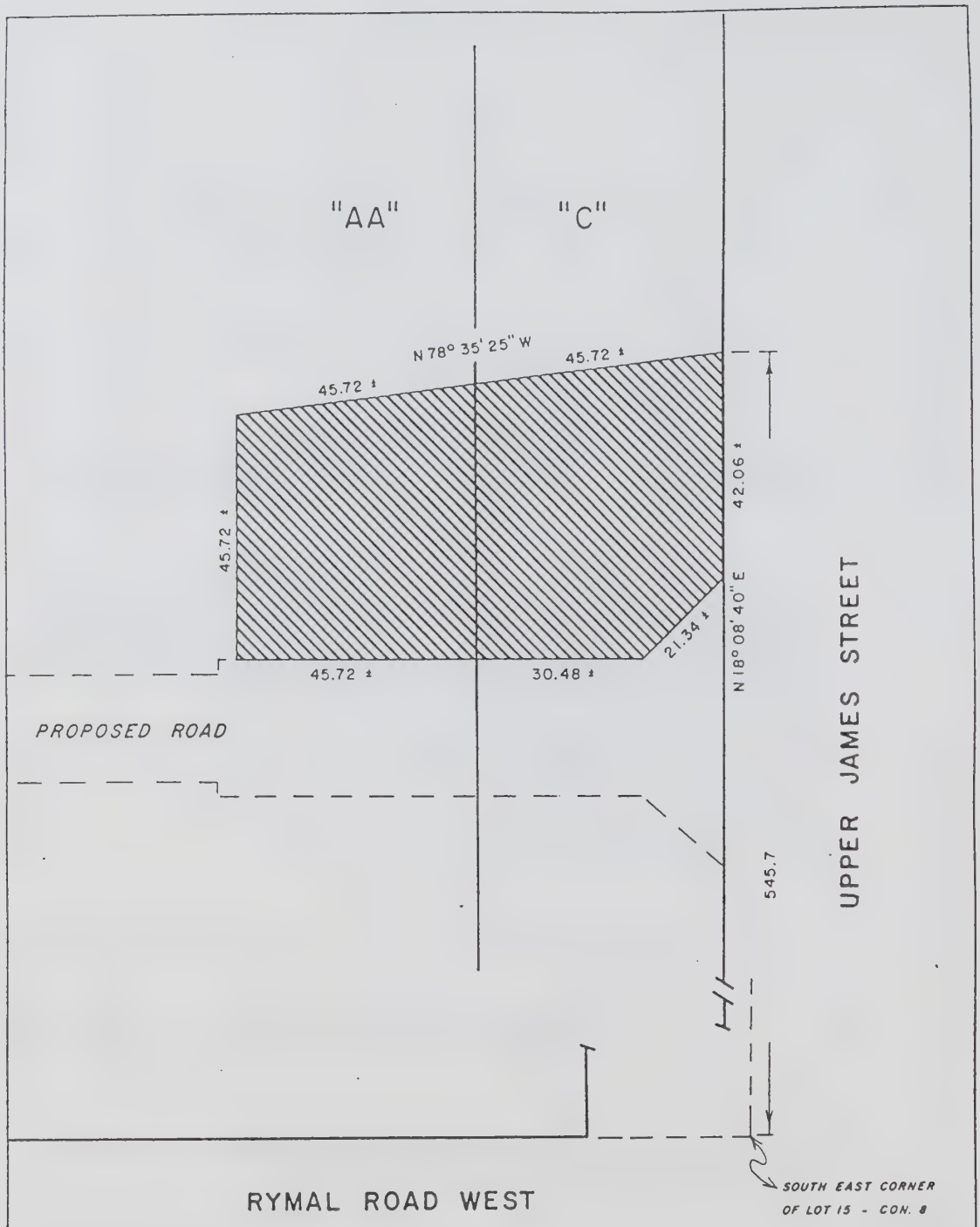
146. Lands located at Municipal Nos. 1468 and 1478 Upper James Street, shown on Appendix 146 hereto annexed and forming part of this by-law.

2. Appendix 146 to By-law No. 79-275 is hereto annexed as Schedule "A", and forms part of this by-law, and By-law No. 79-275, as amended.

PASSED this day of A.D. 1997

CITY CLERK. MAYOR

(1992) 19 R.P.D.C. 11(C), November 10
Mr. & Mrs. E. Ciardullo, Owners
Amended ZAC-92-30



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 9 -.....
Passed the ..... day of ....., 199 .

..... Clerk

..... Mayor

City of Hamilton

Appendix 146

to By-Law No.79-275

as Amended by
By-Law No.87-223

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Lands Designated Under this By-Law as an area of Site Plan Control pursuant to Section 41 of the Planning Act.

North	Scale	Reference File No.
	NOT TO SCALE	ZA92-30
	Date	Drawn By
	DECEMBER, 1992	Z.K.

Bill No. C- 66

The Corporation of the City of Hamilton

BY-LAW NO. 97-

To Adopt:

Official Plan Amendment No. 141

Respecting:

LANDS LOCATED SOUTH OF RYMAL ROAD WEST AND EAST OF UPPER PARADISE ROAD WITHIN THE CARPENTER NEIGHBOURHOOD

The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 141 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this day of A.D. 1997

CITY CLERK MAYOR

(1997) 13 R.P.D.C. 2, September 30
DiCenzo Construction Company Limited and Vedemo Construction Ltd., Owner
SAC-97-04/Carpenter Neighbourhood

Amendment No. 141

to the

City of Hamilton Official Plan

The following text, together with Schedule "A"- Land Use Concept of the Official Plan, attached hereto, constitute Official Plan Amendment No. 141.

Purpose:

The purpose of this Amendment is redesignate land in the Carpenter Neighbourhood to implement the consolidation of parkland in the neighbourhood.

Location:

The lands affected by this Amendment are located south of Rymal Road West and east of Upper Paradise Road, within the Carpenter Neighbourhood.

Basis:

The basis for the redesignation is as follows:

1) This amendment will allow for consolidation of two smaller neighbourhood parks into one combined neighbourhood and community park;

2) The consolidated park will provide for enhanced park facilities within the expanded park area which could not have been provided in the two smaller parks; and,

3) The consolidated park is appropriately located within the neighbourhood to provide access for all future residents of the neighbourhood.

Actual Changes:

Schedule "A" - Land Use Concept of the Official Plan be revised by redesignating the subject lands from "Residential" to "Open Space" and from "Open Space" to "Residential", as shown on the attached Schedule "A" of this Amendment.

Implementation:

A Zoning By-law Amendment and Plan of Subdivision will give effect to the intended use of the subject lands.

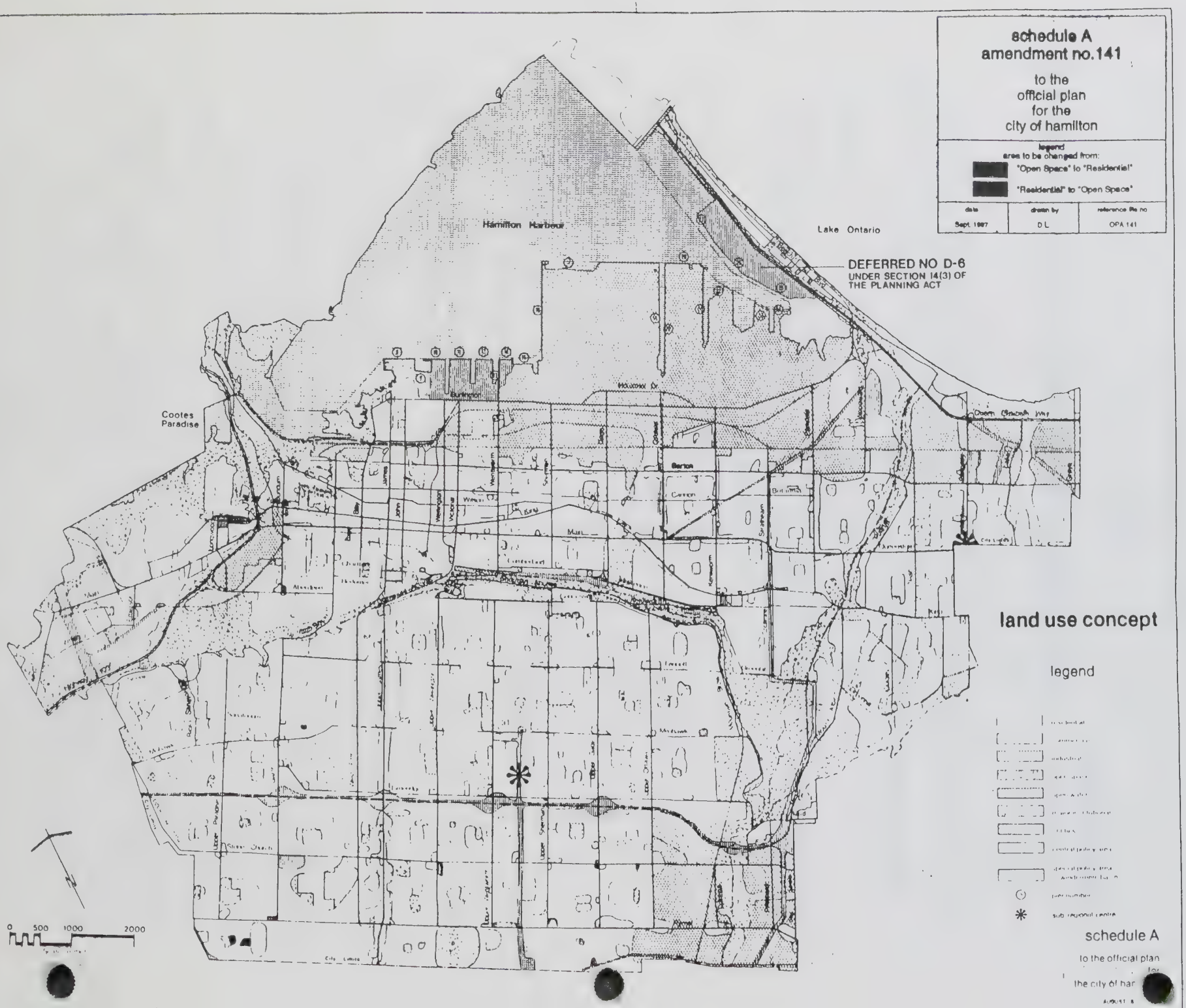
This is Schedule "1" to By-law No. 97- , passed on the day of , 1997.

The Corporation of the

City of Hamilton

City Clerk

Mayor


schedule A
amendment no.141
to the
official plan
for the
city of hamilton
legend
area to be changed from:
"Open Space" to "Residential"
"Residential" to "Open Space"
date
Sept. 1987
drawn by
D L
reference file no
OPA 141
Hamilton Harbour
Lake Ontario
DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT
Cootes
Paradise
land use concept
legend
0 500 1000 2000
schedule A
to the official plan
for
the city of hamilton

Bill No. D-52

The Corporation of the City of Hamilton

By-law No. 97-

To Establish:

REDUCED VOTING HOURS FOR INSTITUTIONS

WHEREAS Section 46 of the Municipal Elections Act, 1996 authorizes a municipality to pass a by-law to provide for reduced voting times at a defined institution or retirement home;

AND WHEREAS City Council, on September 30, 1997, in adopting Section 9 of the Twentieth Report of the Finance and Administration Committee, authorized this By-law.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

The voting places at,

(i) an institution for the reception, treatment or vocational training of members of the Canadian Armed Forces, or

(ii) an institution in which, on nomination day, 20 or more beds are occupied by persons who are disabled, chronically ill or infirm, or

(iii) a Retirement Home in which, on nomination day, 50 or more beds are occupied,

shall be closed prior to 8:00 post meridian on November 10, 1997, when

(a) every elector whose name appears on the voters' list for the premises has requested a ballot, and either voted, or been afforded an opportunity to vote, left the polling place without returning the ballot, or declined to vote and returned the ballot,

(b) the Deputy Returning Officer has verified with the administrator of the premises, which is described in subsection 45(7) of the Municipal Elections Act, 1996, that no other qualified electors reside within the premise, and

(c) the Deputy Returning Officer has confirmed with an election official at the Election Office of the City of Hamilton that the requirements prescribed under clauses (a) and (b) have been met.

PASSED this 30th day of September ,1997.

CITY CLERK MAYOR

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO.97-

TO AUTHORIZE AN EXTENSION AGREEMENT

FOR PAYMENT OF REALTY TAX ARREARS

WHEREAS the Municipal Tax Sales Act, R.S.O. 1990, c.M.60, (hereinafter referred to as the "Act"), states that the Council of a municipality may, by by-law, authorize an Extension Agreement with the owner of land in arrears of realty taxes in excess of three (3) years after the registration of a Tax Arrears Certificate and before the expiry of the one year redemption period;

AND WHEREAS the Municipal Tax Sales Act (section 8) states that the said Extension Agreement may extend the period of time, upon the terms specified therein, within which the Cancellation Price is to be paid;

AND WHEREAS, pursuant to the Municipal Tax Sales Act, the Treasurer did register a Tax Arrears Certificate indicating arrears of realty taxes in excess of three (3) years on the lands described in Schedule "A" annexed hereto,

AND WHEREAS, the said land is recorded by The Corporation of the City of Hamilton under the specific Tax Roll Serial Nos. indicated in Schedule "A" annexed hereto.

AND WHEREAS, The Owners of the lands described in Schedule "A" have requested that the City exercise its discretion to pass a bylaw to authorize an Extension Agreement to extend the period of time in which the Cancellation Price may be paid.

AND WHEREAS the one year period within which this by-law may be enacted will therefore expire on the days described as the redemption date of Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The time open for acceptance and the permitted payments of the Cancellation Price beyond the expiry of the said one year redemption period as set out in Schedule "A" are hereby authorized to be extended pursuant to an Extension Agreement.

   (b) The owner of the land described in Schedule "A" may, on or before the redemption date, enter into the Extension Agreement with The Corporation of the City of Hamilton, and the Mayor and City Clerk are hereby authorized to execute the Extension Agreement on behalf of the City.

2. As provided in the Municipal Tax Sales Act, notwithstanding any other provision of this Extension Agreement, it is understood and agreed that while the Extension Agreement remains a subsisting agreement in good standing:

(a) that the Extension Agreement does not reduce the amount of the Cancellation Price.

(b) that the Extension Agreement does not prohibit any person from paying the Cancellation Price at any time.

(c) that any person may pay the Cancellation Price at any time.

(d) that the Extension Agreement terminates upon payment of the Cancellation Price by any person.

(e) that the Extension Agreement shall cease to be considered a subsisting Extension Agreement for purposes of section 9(2) of the Act, when and under what conditions set out in the Extension Agreement.

3. As also provided in the Municipal Tax Sales Act,

(a) while such Extension Agreement is in good standing, the period of such time shall not be counted in calculating the time within which the Cancellation Price may be paid.

(b) upon default by owner in complying with the Extension Agreement or any term thereof, the Extension Agreement shall cease and, (unless there remains time within which the Cancellation Price may be paid and is paid), the land shall be offered for sale by the Treasurer.

PASSED this *30th* **day of** *September* **1997, A.D.,**

CITY CLERK **MAYOR**

SCHEDULE "A"
EXTENSION AGREEMENTS

A)	PROPERTY ADDRESS	12 BURFIELD AVE
	SERIAL NUMBER	06 05640 2060
	BRIEF LEGAL DESCRIPTION	PLAN 964 LOT 123
	DATE OF REGISTRATION	OCTOBER 22,1996
	INST # OF TAX ARREARS CERTIFICATE	LT424107
	REDEMPTION DATE	OCTOBER 22,1997
	TOTAL ARREARS	$16,133.17
B)	PROPERTY ADDRESS	378 AVONDALE ST
	SERIAL NUMBER	04 02875 7150
	BRIEF LEGAL DESCRIPTION	PLAN 465 PT LOT 39 PT LOT 40
	DATE OF REGISTRATION	OCTOBER 22,1996
	INST # OF TAX ARREARS CERTIFICATE	VM235290
	REDEMPTION DATE	OCTOBER 22,1997
	TOTAL ARREARS	$8,541.50
C)	PROPERTY ADDRESS	1837 MAIN ST W
	SERIAL NUMBER	01 00110 8020
	BRIEF LEGAL DESCRIPTION	PLAN 917 LOTS 8, 9 & 10
	DATE OF REGISTRATION	OCTOBER 22,1996
	INST # OF TAX ARREARS CERTIFICATE	LT424108
	REDEMPTION DATE	OCTOBER 22,1997
	TOTAL ARREARS	$87,236.99
D)	PROPERTY ADDRESS	134 CAVELL AVE
	SERIAL NUMBER	04 02855 5220
	BRIEF LEGAL DESCRIPTION	PLAN 370 LOT 121
	DATE OF REGISTRATION	OCTOBER 22,1996
	INST # OF TAX ARREARS CERTIFICATE	LT424109
	REDEMPTION DATE	OCTOBER 22,1997
	TOTAL ARREARS	$8,578.12
E)	PROPERTY ADDRESS	21 CHEEVER ST
	SERIAL NUMBER	03 02180 0160
	BRIEF LEGAL DESCRIPTION	PLAN 10 LOT 41
	DATE OF REGISTRATION	OCTOBER 24,1996
	INST # OF TAX ARREARS CERTIFICATE	LT424364
	REDEMPTION DATE	OCTOBER 24,1997
	TOTAL ARREARS	$8,454.77
F)	PROPERTY ADDRESS	131 KENSINGTON AVE N
	SERIAL NUMBER	04 02825 2370
	BRIEF LEGAL DESCRIPTION	PLAN 459
	DATE OF REGISTRATION	NOVEMBER 5,1996
	INST # OF TAX ARREARS CERTIFICATE	LT426272
	REDEMPTION DATE	NOVEMBER 5,1997
	TOTAL ARREARS	$9,722.21

G)	PROPERTY ADDRESS	134 EAST 36TH ST
	SERIAL NUMBER	06 06260 3240
	BRIEF LEGAL DESCRIPTION	PLAN 816 LOT 50
	DATE OF REGISTRATION	NOVEMBER 5,1996
	INST # OF TAX ARREARS CERTIFICATE	LT426265
	REDEMPTION DATE	NOVEMBER 5,1997
	TOTAL ARREARS	$11,043.18
H)	PROPERTY ADDRESS	29 DEPEW ST
	SERIAL NUMBER	04 02880 5860
	BRIEF LEGAL DESCRIPTION	PLAN 465 LOT 242
	DATE OF REGISTRATION	NOVEMBER 13,1996
	INST # OF TAX ARREARS CERTIFICATE	VM235871
	REDEMPTION DATE	NOVEMBER 13,1997
	TOTAL ARREARS	$8,826.74
I)	PROPERTY ADDRESS	47 GLENBURN CRT
	SERIAL NUMBER	05 04630 3364
	BRIEF LEGAL DESCRIPTION	WCP 30 LEVEL I UNIT 22
	DATE OF REGISTRATION	NOVEMBER 13,1996
	INST # OF TAX ARREARS CERTIFICATE	LT426993
	REDEMPTION DATE	NOVEMBER 13,1997
	TOTAL ARREARS	$7,773.74
J)	PROPERTY ADDRESS	32 HARVEY ST
	SERIAL NUMBER	03 02340 6360
	BRIEF LEGAL DESCRIPTION	PLAN 143 PT LOT 14
	DATE OF REGISTRATION	DECEMBER 4,1996
	INST # OF TAX ARREARS CERTIFICATE	LT430087
	REDEMPTION DATE	DECEMBER 4,1997
	TOTAL ARREARS	$8,200.52
K)	PROPERTY ADDRESS	179 KIMBERLEY DR
	SERIAL NUMBER	04 03510 1900
	BRIEF LEGAL DESCRIPTION	PLAN 538 LOT 528
	DATE OF REGISTRATION	DECEMBER 24,1996
	INST # OF TAX ARREARS CERTIFICATE	LT432705
	REDEMPTION DATE	DECEMBER 24,1997
	TOTAL ARREARS	$12,076.20
L)	PROPERTY ADDRESS	232 HUNTER ST E
	SERIAL NUMBER	02 01920 0340
	BRIEF LEGAL DESCRIPTION	SURVEY S PT LOT 4
	DATE OF REGISTRATION	OCTOBER 24,1996
	INST # OF TAX ARREARS CERTIFICATE	VM235351
	REDEMPTION DATE	OCTOBER 24,1997
	TOTAL ARREARS	$10,115.15

Bill No. D-54

The Corporation of the City of Hamilton

By-law No. 97-

To Authorize:

A QUESTION CONCERNING A MODEL TOBACCO BY-LAW

WHEREAS Section 8 of the Municipal Elections Act, 1996 authorizes a municipality to pass a by-law to submit a question not otherwise authorized by law, but within the Council's jurisdiction to its electors;

AND WHEREAS City Council, on September 30, 1997, in adopting Section 6 of the Twentieth Report of the Finance and Administration Committee, authorized this By-law.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. The following question is authorized to be placed on the ballot for the November 10, 1997 Municipal General Election:

> "The Corporation of the City of Hamilton is considering a Model Tobacco Control By-law that would make all public places and workplaces, **with some exceptions**, smoke-free by June 1, 2000.
>
> Are you in favour of the Council of The Corporation of the City of Hamilton passing this by-law?
>
> Yes _____ No _____"

PASSED this 30th day of September , 1997.

CITY CLERK MAYOR

BY-LAW NO. 97 -

CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF HAMILTON AT ITS MEETING HELD ON THE 30th DAY OF SEPTEMBER, 1997.

WHEREAS by Section 9 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario, 1990, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Sub-section 1 of Section 101 of the Municipal Act, being Chapter M-45 of the Revised Statutes of Ontario 1990, the powers of every Council are to be exercised by by-law.

AND WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Hamilton at this meeting be confirmed and adopted by by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:-

1. The action of The Council of The Corporation of the City of Hamilton in respect to each recommendation contained in the Reports of the Committees and of the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of the City of Hamilton at this meeting is hereby adopted and confirmed as if all such proceedings were expressly in this By-law.

2. The Mayor and the proper officials of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Hamilton referred to in the preceding section hereof.

3. The Mayor, or in the absence of the Mayor, the Acting Mayor, and the City Clerk, or in the absence of the City Clerk, the Acting City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Hamilton.

PASSED this 30th day of September 1997

CITY CLERK MAYOR




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